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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF:)
)
REGULAR MONTHLY BUSINESS)
MEETING)
)

TRANSCRIPT OF PROCEEDINGS

March 22, 2000

9:50 A.M.

City of Santa Clarita City Hall
23920 Valencia Boulevard
Santa Clarita, California

REPORTED BY:
Terri L. Emery,
CSR No. 11598

1 SANTA CLARITA, CALIFORNIA, MARCH 22, 2000 - 9:50 A.M.

2 * * * * *

3 CHAIRMAN EATON: Good morning, everyone,

4 and welcome to the lovely community of Santa Clarita and

5 to the March 22nd meeting of the California Integrated
6 Waste Management Board.

7 Madam Secretary, will you please call the
8 roll and establish a quorum.

9 BOARD SECRETARY: Board Members Jones.

10 BOARD MEMBER JONES: Here.

11 BOARD SECRETARY: Roberti.

12 BOARD MEMBER ROBERTI: Here.

13 BOARD SECRETARY: Moulton-Patterson.

14 BOARD MEMBER MOULTON-PATTERSON: Here.

15 BOARD SECRETARY: Chairman Eaton.

16 CHAIRMAN EATON: Here.

17 Quorum has been established.

18 Before we begin with ex parte
19 communications, I'd like to acknowledge that Mr. Jones has
20 been reappointed so we are able to conduct business.
21 Congratulations, Steve, and I guess welcome back where
22 hopefully the next four years will be just as productive
23 as your past tenure, but we're glad to have you back and
24 I'm sure that everyone is glad you're back and for a good
25 period of time.

1 Any ex parte communications, Mr. Jones --
2 but before we begin, I will repeat just the ones that I
3 have and if there are any additional, you can just simply
4 indicate that you also have those same. The only one that
5 I have to report today is a letter from Yvonne Hunter
6 regarding Class II waste and I had a brief conversation, a
7 meet-and-greet, with Scott Gordon.

8 Mr. Jones.

9 BOARD MEMBER JONES: Thank you,
10 Mr. Chairman, and thanks for the acknowledgement of the
11 appointment. I can say I'm very proud to be the second
12 Governor Davis appointee to this board and will do the
13 best I can.

14 My ex partes are from yesterday, got a tour
15 of Sunshine Canyon with Jim Ambrosio and Chuck Helget and
16 the LEA and those folks, which with the winds that were
17 going on here, did not see any paper on that site. It was
18 impressive. Went to Marborg in Santa Barbara yesterday
19 and met with Mario Bornatello, looked at their recycling
20 center, and he put me in contact with Peter Economov and
21 uses for scrap tires and plastic. And then got an e-mail
22 from (inaudible) Arnell from San Bernardino County on some
23 issues that we'll discuss later.

24 CHAIRMAN EATON: Okay. I've just been
25 handed, and I apologize, just at this moment four letters

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1 that I assume we got this morning and I'll just announce
2 them for the benefit of all Board Members since they were
3 addressed to each of us, and that would be a letter from
4 the Regional Council of Rural Counties, Wesley Newhan
5 regarding Agenda Item Number 4; a letter from the Plumas
6 County Department of Public Works, also on Item Number 4;
7 a letter from the City of San Diego, John Skinner, also
8 regarding Item Number 4; and the final letter regarding
9 Item Number 4 from Tuolumne County Solid Waste regarding
10 the WRAP report.

11 Those will go in the record. I'm sure
12 you'll receive copies of them for the record that each of
13 those four were cc'd to each of us.

14 Mr. Jones.

15 BOARD MEMBER JONES: Mr. Chairman, I have
16 one more, Jim Kuhl from the City of Long Beach on America
17 Recycles Day and then on some waste generation numbers.
18 Sorry.

19 CHAIRMAN EATON: Ms. Moulton-Patterson.

20 BOARD MEMBER MOULTON-PATTERSON: Thank you,
21 Mr. Chairman. The only ones I have that aren't on the
22 record are from yesterday. I visited Sunshine Canyon with
23 Chuck Helget and some other members of the BFI staff and
24 also the LEA.

25 CHAIRMAN EATON: Great.

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1 Senator Roberti.

2 BOARD MEMBER ROBERTI: Mr. Chairman, I'm up
3 to date on my ex partes, and over the last two weeks I
4 would like to share with you that I visited the El Monte
5 (inaudible) and Clingman demonstration project. It is a
6 project where a low income area of mainly apartment houses
7 in El Monte is coordinating its efforts with the police
8 department, with the school district, with all the various
9 city agencies to recycle apartment house waste, and it
10 seemed to be such a successful project, one which shows
11 that apartment houses can be part of the recycling process
12 every bit as much as single family residences in a poor
13 area which in the past has been crime-infested. I really
14 recommend that other cities and other jurisdictions, other
15 people in waste management visit this project to show that
16 it can be done in.

17 In addition, I visited a couple of our RMD
18 contracts where I say that Marspring Corporation, where
19 fibers are being recycled and acorn paper in Los Angeles
20 where cardboard is being recycled, just to say that the
21 only problem with our RMD program is not enough people
22 know about it, and the enthusiasm that was met by these
23 contractors, first that they were told about it when they
24 were and what they have done with the monies available is
25 very thrilling because it shows that the work of the Board

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1 and the work of the programs which we implement do have
2 significance, are significantly successful. My only
3 regret is the circuitous way in which they found out about
4 the fact that the programs existed.

5 So my only complaint, minor complaint is
6 that we have to figure out a better way so businesses know
7 what we do rather than the sort of serendipity way that
8 they do manage to find out and then are very happy with
9 the loans that they get.

10 I also spoke before Waste Diversion
11 Solutions Conference in Southern California Gas and Energy
12 Resources Center with the sponsorship of many groups
13 including Los Angeles County.

14 CHAIRMAN EATON: Good. All right.

15 For those of you who made the long journey
16 down here and for those of you who are from the
17 surrounding community, today if you desire to speak on any
18 item or during the public comment session, there are
19 speaker request forms in the back of the room. If you
20 could kindly fill those out with the appropriate agenda
21 item number and bring them forward to Jeannine Bakulich
22 who today is ably filling in for Lisa Dominguez. And on
23 behalf of myself and my office, thank you for taking on
24 that task, and you haven't missed a step. We thank you.
25 Just bring those forward to my left and most of you to

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1 your right and she'll make sure that you have the

2 opportunity to speak on the item that you desire.

3 Next issue, as you well know, from time to
4 time the Board does travel around the state trying to hit
5 many different locales in and around the state. This year
6 and last year we've been places such as Quincy, where we
7 had to escape forest fire, get out of town. We used to
8 think it was because of our votes, but then we checked
9 with the fire service and it really had to do with the
10 fire.

11 We've gone to San Luis Obispo, who were
12 very kind, and today we are in a very, very special
13 community for a lot of us who are familiar with the
14 southern California area. Normally for us we have to go
15 out and seek locations. This is a unique place because it
16 has grown and developed over the last 20, 25 years, and
17 more importantly they really wanted to us come down and be
18 part of their community and show us their community. So
19 for the last couple of years they have asked us to come
20 down, and we as a board for some reason always didn't have
21 the ability to schedule it at a time that was convenient.

22 On both parts today, I am very happy to say
23 we are here in the lovely town of Santa Clarita, and today
24 our local presentation, as we always do when we're on the
25 road, is that we have a local presentation. At this time

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1 I would like to introduce Ms. Joan Darcy who is the Mayor
2 of this great city and to take the opportunity to thank
3 you so very, very much and all of your staff and city
4 staff and fellow Council Members for not only the
5 hospitality but just the over-extending of really putting
6 not only the chambers at our disposal but the
7 accommodations, as well as whatever we wanted to do and be
8 able to see in your community. You have made it happen.
9 For that we thank you, and I'm sure that the citizens of
10 this great community have a true representation when it
11 comes to public participation. We thank you, and now I'd
12 just like to introduce Mayor Darcy. Welcome.

13 MS. DARCY: Thank you so much, Mr. Chairman
14 and the members of the California Integrated Waste Board.
15 We are truly honored to have you with us this morning and
16 we have tried for several years to encourage you to come
17 to our community and see our beautiful city. We're quite
18 proud of it and proud that you considered us important
19 enough to come down and join us today and tomorrow, I
20 hear.

21 As you know, the City of Santa Clarita
22 takes great pride in their recycling efforts. That's a
23 way of life for us. There is no other way that we would
24 consider. We don't want the waste, we don't want the
25 landfills, but to see them diminish is practically

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1 impossible. We are so proud that we, too, have met the
2 mandates of AB 939 and we did it three years early. So
3 we're going to continue those strong efforts to keep that
4 policy going and that momentum and wanted to brag a little
5 bit to you about it this morning.

6 This compliance is indicative of our
7 community's dedication to creating a sustainable
8 environment for ourselves, our children and generations
9 that will follow us. Truly it is the level of community
10 involvement by our residents and businesses that have made
11 this meeting the mandate possible and I commend them for
12 those efforts. As tokens of our thanks for visiting us
13 today and coming all the way from up north, please accept
14 a memento that we are going to give you, along with the
15 gifts at your table, to show off an award-winning poster
16 that we had and was developed here and quite famous, I
17 guess, within the art circles, but we wanted to give you
18 that as a memento so you would remember Santa Clarita, and
19 if we may, may we come up with a photo taking?

20 CHAIRMAN EATON: Please.

21 MS. DARCY: It is my sincere hope that you
22 enjoy your stay here in our fine city and that you will
23 come to visit us again soon. Again, thank you on behalf
24 of myself, our staff, our City Council and all of the
25 wonderful people of Santa Clarita. At this time, it's my

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1 pleasure and honor to introduce our manager, George
2 Carvello, who has a few words of wisdom for you.

3 Thank you again.

4 CHAIRMAN EATON: Thank you, Mayor.

5 MR. CARVELLO: Thank you, Mayor. Good
6 morning. I'm George Carvello, City Manager of Santa
7 Clarita, and we are delighted to have you here and thank
8 you very much. And if we can do anything for you while
9 you're here, please let us know and we'll be happy to do
10 that.

11 I'd like to take a few minutes to tell you
12 a little bit about our city. Santa Clarita is a young
13 city. It was incorporated just about 12 years ago in
14 December 1987. The City was formed by the communities of
15 Valencia, Saugus, Newhall and Canyon Country which came
16 together to form the City of Santa Clarita. The city is
17 about 50 square miles. We have about 150,000 people. It
18 is projected that in about 25 years we will double our
19 population. The City is about the fourth largest city by
20 population in Los Angeles County of 88 cities, and it's
21 the second largest city in terms of square miles. It is
22 one of the fastest growing cities in the state of
23 California.

24 It is a very desirable community for
25 raising a family and we have a lot of people that want to

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1 move here because it's close to downtown Los Angeles yet
2 it is separated as shown in this aerial that I have here.
3 You can see that the city is separated from urban Los
4 Angeles by the Santa Susannas on the south and the Angeles
5 National Forest on the north. So we are trying to adhere
6 to our general plan which talks about having a green belt
7 around the city, protecting the river through the city and
8 continuing to have it as a very pleasant city to live in.

9 We achieved the state mandate AB 939 and
10 we're very proud of that. The City realized that walking
11 the talk is very important and that has become a value of
12 our community. As a result, the City Council dedicates
13 itself to achieving AB 939 mandates, realizing that
14 compliance was not only difficult but also a real
15 challenge and an expense to the City.

16 The City certainly offers residents and
17 business a wide variety of innovative recycling services.
18 We have one of the highest solid waste collection rates in
19 Los Angeles because of that, but we continue to work with
20 our haulers to try and stabilize the rates so that we have
21 our customers, our citizens feeling good about the
22 programs that we have.

23 As you can see by this chart, we made our
24 progress over about ten years. In 1991, the city
25 diversion rate was only 6 percent. In 1995, we increased

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1 the diversion rate to 25 percent. By 1997, we had gone to
2 50 percent, and right now we're looking at 51 percent. I
3 might say in a recent meeting with the haulers, the City
4 Council began talking about setting a goal of achieving a
5 75-percent diversion rate for our community. This
6 certainly will be a challenge, but that speaks to the
7 commitment that we have to recycling and looking at
8 alternatives to landfills.

9 We also could not have worked to achieve
10 this program without the cooperation and the involvement
11 of our citizens, so we have a strong public education
12 program. In 1999, the City launched a project called
13 "Project Pollution Prevention." This is a comprehensive
14 public outreach program designed to preserve the quality
15 of life in Santa Clarita through waste reduction and
16 education. We also have a pledge card that we circulate,
17 and this is an example of it where the residents have --
18 we provided you with samples of this -- and residents
19 would read this and hopefully be better informed about
20 what we're doing, and then they would sign this and return
21 it back to the City. We've received about 1,200 of those
22 pledges so far, and we hope to continue to try and get
23 many, many of our people committed to recycle.

24 In 1991, the City franchised with three
25 local haulers. At that time basic trash services were

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1 twice monthly and curbside recycling were offered to
2 residents. We began our program in 1991 with the
3 Christmas tree recycling program. In 1994, we recycled 98
4 percent of debris after the Northridge earthquake, and I
5 might say that was 250,000 tons which we allowed all our
6 residents to put on the streets, building blocks, the
7 damage from the block walls and the chimneys that came
8 down, and so it took about a year of hauling this off our
9 local streets and we were very successful. And as I said
10 had a 98-percent achievement rate in recycling that
11 material.

12 In 1995, the City achieved the state
13 25-percent diversion goal. 1996, we went to weekly green
14 waste recycling. In 1997, the City achieved a 50-percent
15 diversion. In 1998, twice monthly curbside recycling
16 became a weekly service. In 1999, unlimited bulk items
17 drop-off and limited bulky item curbside collection was
18 instituted.

19 We have had a rate freeze on with the
20 haulers since 1996 and this will continue until 2001. We
21 are very interested in terms of protecting our valley, and
22 sometimes we have been referred to as the "valley of the
23 dumps." This is because -- I had this little pointer
24 working here. There it goes. Here is Sunshine Canyon.
25 This is Interstate 5 going up. It's on the western

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1 boundary of the city. This is Highway 14 up to the
2 Antelope Valley. As I said, Sunshine is here.

3 The proposed Alsmere (phonetic) is located
4 here, Chiquita Canyon is here, and right about here is the
5 area of the Honor Farm which also has landfill that has
6 been closed. Therefore, we have strong interests in this
7 area because as I mentioned earlier, the citizens are very
8 proud of their valley and they want to protect it and they
9 have strong values in terms of preserving the environment.

10 Currently the Los Angeles County Planning
11 Element calls for the potential siting of a major landfill
12 in Alsmere. Alsmere Canyon, which is located south of the
13 city, was proposed to be an 80-million-ton landfill. This
14 also at that time included the national forest, and since
15 that time the national forest has been eliminated from
16 that.

17 We, as I mentioned earlier, want to
18 preserve a green belt around the city, and I mentioned to
19 Mr. Eaton earlier that when I came here ten years ago,
20 none of this land was in public ownership. Right now
21 6,000 acres here is in public ownership, and as the
22 Newhall Ranch developed, this was the proposed Newhall
23 Ranch will have 21,000 homes. Another 4,000 acres will be
24 in public ownership. We have part of the national forest
25 in here, the proposed Alsmere landfill is there, and we

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1 would want to continue having these lands in public
2 ownership as open space.

3 We also observed the struggle that Los
4 Angeles had in the expansion of the Sunshine landfill and
5 know that when it's an issue of where do you locate a
6 landfill in your local area, it is a politically difficult
7 issue. It's a tough, tough issue. We realize that and
8 that's why we have taken such a strong position in looking
9 at alternatives because we have great empathy for those
10 that have to be faced with having -- siting of a landfill.

11 Pretty much that sums up what I wanted to
12 say. Again, welcome you here. We have, as a community,
13 strong interests in this issue. We will continue to work
14 with the County of Los Angeles. We encourage the County,
15 as well as other communities, to provide leadership in
16 this area. As a large urban area of 10 million people, we
17 think that we should be a leader in terms of getting away
18 from urban landfills and we would hope that no new
19 landfill is ever sited again in Los Angeles County. So
20 the way to go is to continue to support AB 939, its

21 implementation, and whatever is left over probably should
22 be sited in some remote area where there's very few
23 people.

24 If you have any questions, I'll be happy to
25 respond to them or my staff.

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1 CHAIRMAN EATON: Any questions? I have
2 one. I'm very much interested in the -- you said that
3 after the earthquake that you were able to over the course
4 of a period of time recycle almost 98 percent of that
5 material, obviously heavy kind of construction materials
6 as well. Did the City actually incorporate some of that
7 in your own public works projects or how did you go about
8 setting the course to recycle that material? And if so,
9 how did you do it?

10 MR. CARVELLO: Yes. As you well know --
11 maybe you don't know. The earthquake was a very traumatic
12 event and many of us experienced damage in our own home
13 while we had to come to work and respond to that. So one
14 of the first things that the City Council did was they
15 established a policy that all building material should be
16 separated, if possible, wood material or brick wall, et
17 cetera, and allow them to be placed on the street next to
18 the curb. We then set up a program, and with the
19 cooperation of private landowners, established certain
20 sites throughout the community where they could be hauled,
21 and then some of them were crushed and used for road base
22 or other kinds of projects and they were made available
23 with the cooperation of private companies.

24 Over time that worked well. Since we
25 incurred the costs of the disposal, we wanted the people

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1 to be able to make repairs to their homes and the fences
2 that they had as soon as possible, and that was quite
3 expensive. So this was a way of mitigating the cost.

4 As I mentioned to you earlier, I think it
5 took one or possibly two years before we discontinued the
6 program of allowing people to dump the debris on the
7 streets because they were somewhat of an inconvenience and
8 a traffic hazard, but it worked very, very well. The
9 people were cooperative.

10 I was absolutely amazed in terms of the
11 response that we got from the public, not only in this
12 area but in terms of a number of areas that we wanted
13 their cooperation to get beyond the earthquake.

14 CHAIRMAN EATON: Thank you.

15 Ms. Moulton-Patterson.

16 BOARD MEMBER MOULTON-PATTERSON: Thank you
17 very much.

18 Santa Clarita is certainly a success story,
19 and I really love your pledge cards. I was wondering if
20 you've shared them with other cities at League of Cities
21 or anything like this because it seems like a really good
22 idea and the fact that you have one for business also.

23 MR. CARVELLO: Yes. We'll be happy to
24 supply anyone with the information and we'll certainly
25 make it available to the League of California Cities for

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1 their library as well as the international.

2 BOARD MEMBER MOULTON-PATTERSON: That would
3 be great. Have businesses been receptive?

4 MR. CARVELLO: We started and we're out
5 doing the education program. The responses have been very
6 good. As I indicated, some people have already responded,
7 and perhaps the next time you visit us we can give you
8 better information with statistics, but it's quite early.

9 BOARD MEMBER MOULTON-PATTERSON: Great.
10 Thank you.

11 CHAIRMAN EATON: Any other questions?
12 Thank you again for having us, and please pass along our
13 appreciation to your staff as well, and congratulations on
14 reaching a milestone. It's always nice to see that there
15 are places where it does make a difference and has made a
16 difference. I know there's a lot of other communities
17 that are struggling, but to show that you have been able
18 to do it I think helps them in their efforts. Thank you
19 again and congratulations.

20 MR. CARVELLO: You're most welcome. On
21 behalf of the Mayor and I, as I mentioned earlier, if we
22 can do anything to make your trip more enjoyable, let us
23 know. Thank you very much.

24 CHAIRMAN EATON: Thank you. We sort of had
25 a hybrid where some of the Members had issues and reports

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1 and so on and so forth, but I'll start once again if
2 there's any additional things that may have come to mind
3 during the presentation. I'll start with Mr. Jones. Any
4 reports you care to share?

5 BOARD MEMBER JONES: Yes, Mr. Chairman,
6 two reports. One was last week. I was the speaker on
7 panel for the Central Valley's American Public Works
8 Association, which were all public works administrators
9 throughout all of central California. It was held in
10 Visalia. We talked about reaching 50 percent and they
11 made a mistake and let me be the first speaker. So we
12 started to set a very positive tone and didn't hear very
13 much groaning from a lot of the participants. So that was
14 always encouraging. Actually, those people are doing a
15 lot of work.

16 And I have to tell you, they all give
17 credit to the TIA group, they give credit to Heidi Sanborn
18 for the work that she does with them locally. We have
19 some convoluted issues where our staff gave a menu of
20 eight things that the jurisdictions could do to get into
21 compliance and they responded about 18 months later and
22 chose a couple of the pieces off the menu that were
23 actually in conflict with each other. So we've got to
24 work through a few issues, but they all appreciated it.

25 I think the other thing that the Board

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1 Members were aware of was shortly after my
2 reappointment -- or I should say shortly after my
3 appointment by Governor Davis -- I went back to New York
4 City to represent the Board at the request of the National
5 America Recycles Day campaign, and I do have to -- they
6 had asked if I would consider being on the board and we
7 took it through here and took it up to the Cal/EPA and the
8 Governor's office and made sure that they agreed, and
9 everybody agreed. But when I got to New York, the motion
10 was to include the California Integrated Waste Management
11 Board on the Board of Directors because they're all
12 organizations and associations, USEPA, SWANA, the
13 Environmental Defense -- it's not the Environmental
14 Defense Fund anymore, it's just Environmental Defense.

15 So I felt a little uncomfortable with that
16 because they voted me on as the board member, so I think
17 we're going to have to -- I think I need to make sure that
18 I've got everybody's --

19 BOARD MEMBER ROBERTI: Confidence.

20 BOARD MEMBER JONES: Confidence that the
21 Integrated Waste Management Board --

22 BOARD MEMBER ROBERTI: We'll think about
23 that.

24 BOARD MEMBER JONES: We'll be on the
25 national Board of Directors.

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1 CHAIRMAN EATON: I think since you chose,
2 and Ms. Moulton-Patterson may have a say --

3 BOARD MEMBER MOULTON-PATTERSON: I
4 definitely think we should be on the national.

5 BOARD MEMBER JONES: So is that a motion?

6 (Laughter)

7 CHAIRMAN EATON: I have a motion by
8 Ms. Moulton-Patterson, seconded by Senator Roberti, that
9 the Board be a part of the Board of the America Recycles
10 Day, and Mr. Jones can relay that to the proper
11 individuals. So without objection, so shall be ordered.

12 BOARD MEMBER ROBERTI: I think it's an
13 excellent idea that the Board be represented, and we could
14 not be represented any better than having Steve Jones as
15 our spokesperson and their Director. So I think it's
16 fortuitous for this Board that we were recognized and
17 certainly through your efforts, expertise and experience.

18 I also want to add, speaking I'm sure for
19 all of us, that we are all thrilled that you were
20 reappointed. We all suffered with you until 24 hours. I
21 had sort of given up hope, but you were still hanging in
22 there because you didn't want a farewell party yet. So
23 congratulations.

24 BOARD MEMBER JONES: Thank you, Senator. I
25 appreciate that. I do appreciate the concern. I have to

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1 tell you that what happened that week was very humbling
2 for me. Just take that for what it's worth. It makes you
3 realize an awful lot of good things that we do in this
4 organization, and I had the support of my fellow Board
5 Members through this whole process and you know, it was
6 out of our hands. You can't worry about what you don't
7 control. It all worked out.

8 I do thank you for the vote of confidence.
9 I think there's going to be some very good things coming
10 out of America Recycles Day on the national campaign.
11 This board voted to put Linda Moulton-Patterson as the
12 state co-chair along with Jim Kuhl for the state effort.
13 I think that gives great exposure for the state of
14 California, and I've already made them angry because I
15 wanted to see their strategic plan and they didn't have
16 one. So I said well, when are you going to start working
17 on that?

18 CHAIRMAN EATON: Thank you, Mr. Jones.
19 Anything additional, Ms. Moulton-Patterson?

20 BOARD MEMBER MOULTON-PATTERSON: Yes, and I
21 would like to second everyone's congratulations. I'm
22 thrilled for you, as you know, Mr. Jones. It's great to
23 have you for the next four years.

24 I did want to report a few of my activities
25 last month. I attended a workshop that was put on by our

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1 staff, our education staff, for teachers to teach
2 teachers, to go out and teach other teachers about the
3 closing the loop curriculum, and I'm just so impressed
4 with everything that we have done and the work that our
5 staff has done on this. It was just a real exciting day
6 to see teachers so excited about going out and sharing our
7 efforts.

8 I also went to the Santa Clarita food
9 distribution center which is a center that provides
10 breakfasts and lunches for, I believe, four large
11 districts in this area and they're just doing a terrific
12 job. We were so impressed, and maybe Mr. Chandler will
13 have some words about that, but it was a very impressive
14 operation and there's very, very little waste. It was an
15 interesting morning.

16 Lastly, I was able to attend only one of
17 the 1066 workshops in Costa Mesa, and I want to say thank
18 you to our staff. They did a fantastic job of presenting
19 the information to cities and counties and answering their
20 questions patiently and going all over the state, and also
21 to our Chairman who went to every single one. I was only
22 able to attend one, but it was very interesting to see the
23 questions and let the people know how they go about
24 applying for these extensions and so forth, but it was
25 quite an effort by our staff and our Chairman.

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1 Thank you. That's my report.

2 CHAIRMAN EATON: Anything in addition,
3 Senator Roberti?

4 BOARD MEMBER ROBERTI: No.

5 CHAIRMAN EATON: Just for the record, I did
6 miss a couple while you were gone, but thank you. Just
7 for my report, the 1066, at least the initial workshops of
8 11 beginning north in Redding and San Diego last week have
9 been completed, and I want to thank each of you, Senator
10 Roberti, Linda Moulton-Patterson and Steve Jones because
11 of your participation, both public and private with all
12 the entities. I think they understand that there's a high
13 anxiety level about the expense process, that there are
14 many kinds of issues that have arisen over the course of
15 time as relates to 939, and that at least the Board is
16 equally concerned that the process be one where we look
17 first to how do we succeed as opposed to how do we
18 penalize.

19 I think in addition we've also learned a
20 great deal about the kinds of issues that are facing
21 jurisdictions that previously had been unknown. So the
22 dialogue was equally as important to us, and my
23 understanding is and I want to thank Mark Leary and Pat
24 Schiavo who did attend all of those conferences and did
25 live at various motels, hotels and other places, in some

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1 cases a large mid-sized car for periods of time, in
2 completing the process and setting forth a very objective
3 and straightforward presentation.

4 My understanding is that at least in April
5 or May at the board meeting we will bring back a lot of
6 that dialogue so we will get a sense of where we are with
7 some great ideas in local input and set a course there and
8 begin the process of working with other elected officials
9 to finalize the process and begin to start the process.
10 So I want to thank you.

11 In addition, I was able to speak at Buy
12 Recycle which dealt with composting as part of our
13 participation sponsorship at that conference, and Howard
14 Levinson and all of those individuals responsible for
15 their participation and great conference. It's a tough
16 road. I think everyone agreed that how we get these
17 programs up and going in certain parts of our state as
18 well as other parts, but the exchange of ideas and
19 dedication was overwhelming. And for that, I thank you.

20 So with that, I turn now to Mr. Chandler
21 and for his support.

22 MR. CHANDLER: Thank you, Mr. Chairman.
23 Good morning, Members. First I'd like to join you in
24 thanking the Mayor and city staff for all of their
25 assistance in helping us meet here today. I have a number

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1 of items to bring forward, but I will be as brief as
2 possible.

3 To begin with, our Assembly budget
4 subcommittee hearing is scheduled for April 12th for both
5 Cal/EPA, the agency, as well as the Integrated Waste
6 Management Board. I believe our Senate subcommittee
7 hearing has been moved to April 5th. Agendas for both
8 will be forthcoming shortly.

9 Next, you may recall that at the January
10 meeting you considered a request from the City of San
11 Diego to provide funding under our AB 2136 program to
12 remediate the burn dump site. You approved a matching
13 grant and loan subject to a number of conditions, one of
14 which being a requirement that the City submit monthly
15 progress reports to the Board.

16 We have received and you've been provided
17 with the City's progress report indicating the City is
18 negotiating with USEPA to clean the entire site. In
19 addition, the County Public Health Department has
20 conducted blood testing on children in the area and has
21 found that there are no elevated lead levels in any of the
22 children tested. The City is taking initial steps that
23 may include the purchase of impacted homes and is
24 extending its field assessment to four properties that lie
25 south of the vacant lot. USEPA and the City's consultants

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1 are scheduled to conduct the assessment next week. Staff
2 and I will keep you fully up-to-date as this effort
3 continues.

4 As you mentioned, Mr. Chairman, this coming
5 Monday in Monterey staff is announcing the Office of Local
6 Assistance will conduct their last of 11 workshops seeking
7 input on how the Board should implement Senate Bill 1066.
8 A total of nearly 230 consultants, representatives from
9 local governments and the waste industry have attended so
10 far, and as least, as you pointed out, Members from the
11 Board have been present at these workshops and Board staff
12 believe that your attendance has really been appreciated
13 by those that have attended these workshops.

14 Staff will make a detailed presentation of
15 what we've heard at these workshops and we'll be
16 presenting alternatives for further action at the April
17 board meeting. Staff is optimistic that we will be able
18 to begin reviewing the 1066 applications when the 1990 end
19 reports are submitted in July and August later this year.

20 Finally, I'd like to let you know of three
21 upcoming events. First, on May 10th the Board will host
22 our first annual recycled products trade show at the
23 Sacramento Convention Center. This free event will bring
24 recycled products suppliers together with buyers from
25 state and local governments to increase their purchasing

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1 of recycled-content products in the public sector. It's
2 one way we're moving forward with the Board's direction to
3 promote the buy-recycle message this year. Over 100
4 exhibitors are expected.

5 Next Thursday our Special Waste Division
6 will sponsor a workshop at 9:00 a.m. in the board room to
7 discuss policy for monofill and cell requirements for tire
8 disposal, including the potential for mining tires in the
9 future and potential cost to landfill operators and tire
10 disposers. This will be the first of at least two
11 workshops we will hold to receive input on this important
12 issue.

13 Also on Thursday the Board will present a
14 live satellite video conference to showcase innovative and
15 successful local and regional recycling and waste
16 reduction programs. The video conference will run from
17 9:00 a.m. to noon at 19 sites around the state to view the
18 conference via satellite, and the Board will provide
19 facilitators at ten primary sites to aid in handling local
20 discussions and question-and-answer sessions.

21 Before I do complete my report, I would
22 like to touch on Ms. Patterson's comments that we did,
23 just a couple weeks ago, visit the City of Santa Clarita
24 Valley School Food Services Agency. I would like to thank
25 Mr. Carvello who was instrumental in setting up the JPA

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1 that services a number of school districts, but the
2 tremendous effort they're doing there to reduce cafeteria
3 waste in schools is certainly a model, one we're going to
4 be investigating further as we look at our outreach effort
5 to schools and possibly food composting programs for
6 cafeterias.

7 That concludes my report. Thank you,
8 Mr. Chairman.

9 CHAIRMAN EATON: Thank you. Any questions
10 for Mr. Chandler? Thank you, Mr. Chandler.

11 The good news is there's no continued
12 business items and, therefore, we can move right into our
13 regular agenda items.

14 Today, Members, Items Number 16, 20, 21,
15 22, 31 and 34 have been proposed for consent. Are there
16 any items that any of the Members wish to have pulled from
17 the consent calendar before we take that up?

18 BOARD MEMBER JONES: Mr. Chairman.

19 CHAIRMAN EATON: Mr. Jones.

20 BOARD MEMBER JONES: I would like to move
21 adoption of the consent calendar.

22 CHAIRMAN EATON: Okay.

23 BOARD MEMBER MOULTON-PATTERSON: Second.

24 CHAIRMAN EATON: Mr. Jones moves and
25 Ms. Moulton-Patterson seconds we adopt the consent

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1 calendar consisting of the following items: Items Number
2 16, 20, 21, 22, 31 and 34.

3 Madam Secretary, please call the roll.

4 BOARD SECRETARY: Board Members Jones.

5 BOARD MEMBER JONES: Aye.

6 BOARD SECRETARY: Roberti.

7 BOARD MEMBER ROBERTI: Aye.

8 BOARD SECRETARY: Moulton-Patterson.

9 BOARD MEMBER MOULTON-PATTERSON: Aye.

10 BOARD SECRETARY: Chairman Eaton.

11 CHAIRMAN EATON: Aye.

12 All right. Before we begin the new
13 business agenda items, there were also -- I believe that
14 there were a few items I think that were put out in a memo
15 that were pulled from today's agenda. Those would be
16 Items 12, 18 and 19 that have been pulled from today's
17 agenda and, therefore, will not be part of our
18 deliberations today.

19 Having said that, we can move right into
20 the first item, agenda Item Number 1, Special Waste,
21 consideration of approval of scope of work for the
22 do-it-yourself survey/focus groups contract for outreach
23 research.

24 MR. PERI: Hello. My name is Don Peri.

25 I'm with the Used Oil Recycling Program. Good morning,

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1 Chairman Eaton and Board Members.

2 This item is before the Board for
3 consideration of approval of the scope of work for the
4 used oil recycling program, the contract with the Public
5 Research Institute of San Francisco State University and
6 the Bureau of Government Research and Service at Cal State
7 University Long Beach.

8 The used oil recycling program needs
9 current information about the disposal habits, attitudes,
10 media use, and messages and incentive receptivity of
11 California residents who change their own motor oil, the
12 do-it-yourselfers. The proposed surveys and focus groups
13 will help the Board and our grantees to one, better define
14 and understand the do-it-yourself target audiences for its
15 outreach efforts; and two, to design more effective
16 outreach campaigns to encourage behavioral change.

17 By way of background, in 1993 the Board
18 contracted to study the characteristics and habits of
19 do-it-yourselfers. That study established a benchmark for
20 public attitudes and behavior. Since 1994 when the
21 results of that survey were published, the Board has
22 implemented many outreach campaigns and local government
23 entities have instituted collection outreach campaigns as
24 well.

25 As a result, public attitudes and behaviors

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1 have changed. Many more are recycling their oil today
2 than they were then. At the same time, significant
3 demographic and economic changes have occurred in
4 California such as the aging of the baby boom generation.
5 Also, national surveys show a consistent shift from
6 do-it-yourself to the use of professional oil changing
7 services.

8 For all of these reasons the used oil
9 program needs to reassess the do-it-yourselfer population
10 in California, but more than a mere update of the earlier
11 study, the proposed scope of work provides for a much more
12 comprehensive research project. The first two phases will
13 include a research phase and a pilot study phase to design
14 questions and survey the public for pertinent information.
15 There will also be a concerted effort to address the issue
16 of survey bias. These surveys that we have seen resulted
17 in response bias which has led to inaccurate conclusions
18 and less effective outreach efforts based on those
19 conclusions. This project will test various approaches to
20 eliminating response bias as much as possible before the
21 poll survey is taken.

22 Both universities have extensive public
23 survey experience in conducted used oil surveys. They
24 understand used oil management issues and the nature and
25 goals of our program, and both are acutely aware of the

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1 response bias that has plagued environmental surveys.

2 The earlier (inaudible) study characterized
3 do-it-yourselfers as primarily young males. With this
4 (inaudible) population I just mentioned, the
5 do-it-yourself audience has become much more diversified.
6 This new study will segment the do-it-yourselfers into
7 groups with common attributes and help us better
8 understand and address each of these groups. Each segment
9 will likely be motivated by different messages and use
10 different outreach media.

11 The cost of the survey work is comparable
12 to other segmentations that we are aware of and one being
13 the Los Angeles County storm water study which cost over
14 \$70,000. The result of this study for which the scope of
15 work is under consideration will give a similar analysis
16 of the attributes of the DIY segments, where to outreach
17 them and what are effective to motivating them to recycle.

18 As a separate task, three focus groups will
19 be held with specific do-it-yourselfer target groups.
20 Focus groups will be used to better define how to most
21 effectively change behavior, to create motivational
22 messages, and to better define the media outlets for
23 placement of outreach. The focus group phase will cost
24 about \$19,000, which is in line with the cost of other
25 focus groups that we're familiar with.

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1 In closing, this project will be quite
2 valuable for both the Board and local programs. Grantees
3 will be better able to identify do-it-yourselfer audiences
4 and their jurisdictions and to design campaigns that
5 target those audiences. Board staff will be better able
6 to evaluate local program effectiveness as well as grant
7 proposals based on identification of do-it-yourselfers in
8 a given community and plans for implementing behavioral
9 change. At the state level, the survey results will help
10 focus statewide outreach efforts for the most effective
11 use of resources.

12 Staff recommends that the Board approve the
13 scope of work and adopt Resolution Number 2000-69. We're
14 happy to answer any questions you may have.

15 CHAIRMAN EATON: Any questions? With
16 regard to the focus groups, you mentioned only three. Is
17 there a magic number or will it be geographically? I
18 understand you've got some in northern California as well
19 as in southern. Will those be spread out as a statewide
20 survey or will they be located in a geographical area and
21 is there a need to expand that number?

22 MR. BOUGHTON: Bob Boughton with the Used
23 Oil Program. We'll try to focus on these groups that
24 will -- that have these same characteristics as
25 do-it-yourselfers and we will try to get the statewide

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1 picture because for the focus groups, we are really
2 looking at groups of our statewide outreach. So if we're
3 going to target agricultural workers, we'll try to get the
4 broadest spectrum for the focus group for the agricultural
5 workers in the state. Local people may or may not be able
6 to use that directly, but it certainly would be
7 information that would help them.

8 CHAIRMAN EATON: So there will be some
9 geographical diversity of where those focus groups take
10 place.

11 MR. BOUGHTON: It will be statewide.

12 CHAIRMAN EATON: What's the sample
13 statewide survey? What are they proposing for a statewide
14 survey for sampling purposes? In other words, I assume
15 when they say a survey, it's the quantitative aspect of
16 the study. So how many are they proposing get surveyed?

17 MR. BOUGHTON: We anticipate making over
18 6,000 calls to get a thousand DIY positive responses and
19 there will be enrichment of certain groups where they will
20 target, let's say for instance, Spanish speakers to enrich
21 the population to get confidence so they may be making
22 1,500 positive contacts. So it's --

23 CHAIRMAN EATON: So that's the pilot
24 studies or is that the survey?

25 MR. BOUGHTON: No, that's the actual full

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1 survey. The pilot studies will look at the questions, how
2 to ask the questions, how to remove response bias, how to
3 conduct the survey. We may not do it on telephone. It
4 may be face-to-face at auto parts stores and places like
5 that. They're going to test different ways to get the
6 best results that we can.

7 CHAIRMAN EATON: And when do you expect
8 this to be completed by?

9 MR. BOUGHTON: The surveys should be done
10 near the end of this year, so we're trying to get the
11 results for the next used oil forum for the HHW meeting
12 next year. So it should be six to nine months. We should
13 be doing the survey this fall.

14 CHAIRMAN EATON: Okay. Thank you. Any
15 questions?

16 BOARD MEMBER JONES: Mr. Chairman.

17 CHAIRMAN EATON: Mr. Jones.

18 BOARD MEMBER JONES: I would like to move
19 adoption of Resolution 2000-69.

20 BOARD MEMBER ROBERTI: Second.

21 CHAIRMAN EATON: Okay. Mr. Jones moves and
22 Senator Roberti seconds that we adopt Resolution 2000-69.

23 Madam Secretary, please call the roll.

24 BOARD SECRETARY: Board Members Jones.

25 BOARD MEMBER JONES: Aye.

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1 BOARD SECRETARY: Roberti.

2 BOARD MEMBER ROBERTI: Aye.

3 BOARD SECRETARY: Moulton-Patterson.

4 BOARD MEMBER MOULTON-PATTERSON: Aye.

5 BOARD SECRETARY: Chairman Eaton.

6 CHAIRMAN EATON: Aye.

7 MR. PERI: Thank you, Board Members.

8 CHAIRMAN EATON: Item Number 2.

9 MR. PERI: This item is before the Board
10 for consideration of approval of scope of work for the
11 California Environmental Hotline's call data analysis and
12 distribution.

13 While the scope of work in Item Number 1
14 entails more clearly defining who is our target audience,
15 this item considers how effective grantees are at reaching
16 that. The scope of work provides for reports from the
17 1-800-CLEANUP hotline call line tracking system to
18 evaluate the effectiveness of promotion and outreach
19 campaigns in every community statewide, mainly the Used
20 Oil Program's 254 (inaudible) grant recipient groups.
21 These timely reports will also help grantees to adjust
22 their outreach efforts during events, fine-tuning to the
23 most effective timing, location and media outlets, as well
24 as messages to appeal to the targeted population.

25 As background information, Section 48644 of

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1 the Public Resources Code requires the Board to maintain
2 access to a toll-free telephone number that informs
3 callers of the establishments that accept used oil. For
4 many years the Board operated a toll-free hotline that was
5 available only on weekdays during business hours and
6 little value of data was available.

7 In 1998, Cal/EPA entered into a Memorandum
8 of Understanding with Clean Up, Incorporated, California
9 Environmental Hotline operator, to provide recycling
10 information to Californians. This hotline system is a
11 zip-code driven, 24-hour-a-day, seven-day-a-week bilingual
12 service, and they also operate a website that provides the
13 same information. Clean Up, Incorporated is the only
14 entity providing hotline service statewide. The
15 1-800-CLEANUP hotline allows the Board to meet a statutory
16 requirement for providing access to used oil recycling
17 information and serves the public with continuous
18 bilingual service. The Board ceased operating its hotline
19 number and began promoting exclusively 1-800-CLEANUP and
20 many local governments also promote that hotline in their
21 outreach efforts.

22 The cost of \$143,000 for two quarters of
23 reports is relatively low considering the one-time
24 development costs. Individual grantees who have
25 contracted with 1-800-CLEANUP for this information on

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1 their own have paid about \$2,500 a year for similar
2 reports. So in comparison, if all 254 grantees contracted
3 individually, the costs would exceed \$300,000 for the same
4 two-quarter period. So there's a significant overall
5 savings to the used oil fund with a single master
6 contract.

7 The call data gathered by Clean Up,
8 Incorporated is proprietary in nature and not available
9 for purchase. There is no other ready-made source for
10 this data and it would be very costly to conduct surveys
11 or to collect (inaudible) information. Local grantees
12 have few inexpensive evaluative tools. The reports will
13 be most valued to hundreds of small jurisdictions which
14 would need to spend a large fraction of their block grant
15 funds to do the evaluation.

16 Staff considers this to be a pilot project.
17 We will be surveying grantees to ascertain the value of
18 the reports to them. In conclusion, staff recommends that
19 you approve the scope of work and adopt Resolution
20 2000-70, and we'll be happy to answer any questions.

21 CHAIRMAN EATON: Any questions? I have a
22 couple. It's \$140,000 for two quarters; correct? And
23 this is based upon a Memorandum of Understanding that was
24 entered into at one point between Cal/EPA and US
25 Environmental. You mentioned a Memorandum of

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1 Understanding, and that's still in place; is it not?

2 MR. BOUGHTON: Right.

3 CHAIRMAN EATON: Can you please explain to
4 me why for \$140,000 under the Memorandum of Understanding
5 agreement that the responsibilities of the hotline are
6 when requested, provide Cal/EPA, our parent agency, with
7 up-to-date information regarding the use of Cal/EPA? It
8 seems to me we are paying for information that we are
9 getting under a Memorandum of Understanding.

10 I'm a little confused as to why we're
11 paying for information, and I've gone back through the
12 materials as to what it costs us as an agency, granted
13 that we didn't do weekends, and I think that's a valid
14 point, but the cost of \$140,000 for two quarters, and yet
15 my understanding when I met with these individuals is that
16 under the Memorandum of Understanding that information was
17 to be provided and now they're going to an agency within
18 the larger agency and asking us to pay for information
19 that they have under a Memorandum of Understanding. It
20 doesn't make sense to me.

21 Can you help shed some light on that
22 because I'm not convinced we need this if it's already
23 part of the agreement.

24 MR. BOUGHTON: I wasn't a party to the
25 development of the Memorandum of Understanding so I'm not

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1 sure what the handshakes were that came up to that. I can
2 give you a little bit of history of how we got to where we
3 are today in addition to the item.

4 I think in the beginning, the 1-800 was a
5 grassroots, just getting going. We turned over all of our
6 data and sub-setted our hotline. In the beginning they
7 wanted some more support similar to a big contributor, and
8 they wanted to do big outreach campaigns. Over the course
9 of about a year through discussions with them, we finally
10 whittled it down to something we saw would be a value to
11 us and that was these individual reports on the city and
12 countywide basis, namely to our grantees.

13 I can only assume -- I can't speak for the
14 parties that put all of this together two years ago, but
15 they probably were referring to giving overall data to
16 Cal/EPA, and I would assume they see a lot of costs and
17 254 separate reports. I can only guess that that's the
18 case.

19 CHAIRMAN EATON: Well, I'm not convinced if
20 we're already getting the information for free -- I don't
21 have a problem participating, but I think at the rate of
22 \$140,000 it's a bit excessive, especially for the
23 information. I don't know about other Board Members, but
24 I'm not prepared at this time to be supportive until I
25 have more information about what the Memorandum of

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1 Understanding happens to be, what information we're being
2 provided. When I got this, I remember the issue that was
3 brought before the Board if we wanted to do the hotline
4 and I pulled out my hotline file and I started reading
5 through the Memorandum of Understanding. I found that
6 those duties are specifically laid out and outlined, and
7 we would just like some clarification.

8 So if you want to come back next month, I'm
9 happy to do so but at this point I'm not prepared to do
10 so.

11 MR. BOUGHTON: We'll be happy to work with
12 your office and clarify your concerns and get the
13 1-800-CLEANUP folks --

14 CHAIRMAN EATON: You understand if we're
15 supposed to get the information, we shouldn't be paying
16 for it. And also the information we would be getting is
17 to some degree not as beneficial for the program. For
18 instance, this information, it's my understanding at least
19 reading through the documents, is supposed to help us in
20 terms of targeting our grants; is that correct?

21 MR. BOUGHTON: Well, it's more of, looking
22 at it, an evaluation tool of a local government's outreach
23 efforts, to see if people are responding and calling the
24 hotline. If they see -- if you look at the sample
25 reports, what we're talking about, one of the reports is

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1 this historesis. So by date one could look and see we put
2 an ad in the L.A. Times, we got a big spike. It was an
3 effective message and place to do outreach. Right now
4 some of the local governments don't have the resources to
5 even know, and we're trying through the grant program to
6 get them to do evaluation, and on the flip side most of
7 them don't have the resources or the ability to do it
8 effectively. So we saw this as a win-win thing, try it
9 once, talk to locals, see if it is a value to them, figure
10 out if there's other value to the reports or if we can
11 negotiate with Clean Up to do them in the future for free
12 because they've got it set up now. It could go anywhere.

13 We were thinking that this was probably a
14 time at which we should look at the Memorandum of
15 Understanding and get some clarification --

16 CHAIRMAN EATON: I think so.

17 MR. BOUGHTON: -- as well.

18 MR. CHANDLER: Mr. Chairman, let me see if
19 I can summarize.

20 CHAIRMAN EATON: This is my -- from one
21 Board Member.

22 MR. CHANDLER: I don't think any of us
23 questioned the need to do a kind of systematic evaluation
24 of these promotion outreach campaigns that are going on,
25 but given your point about the existing conditions of the

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1 Memorandum of Understanding between Cal/EPA and USEPA, let
2 staff go back and request of our agency to enlist their
3 efforts to see if we can get clarity with regard to that
4 overarching MOU that provides the guidelines under which
5 we could get this kind of feedback from this program and
6 report back if we've got that built in requirement, as you
7 alluded, or bring back further clarification and then we
8 can visit the question is it appropriate to provide
9 funding for. I don't hear disagreement on the need to
10 track the performance and evaluation of these kind of
11 outreach campaigns. Your question is is that something we
12 should be paying for or are we already entitled to it
13 under this agreement.

14 CHAIRMAN EATON: And also are we getting
15 the bang for our buck at that price and could that money
16 be used more for local governments to help them with
17 programmatic kinds of opportunities if it comes out of
18 that fund. I would much rather give the communities --
19 as I was out looking at that, we have a couple of items
20 today as you go through. We have paint, we have household
21 hazardous waste, other kinds of things as well that I
22 would like to see funding going towards, as I think
23 Senator Roberti brought up as well, as we look through.

24 As we look at dollars, we have to be there
25 and we only have so much, contrary to popular belief that

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1 our pockets are full, and I do want to do that. I think
2 that as long as we're doing the survey and other things,
3 how we can look at it and be able to kick-start some of
4 the other programs for the health and safety of residents
5 too. If you can bring that back, I'll leave it up to the
6 others. Mr. Jones.

7 BOARD MEMBER JONES: I don't have a problem
8 if it comes back, but I support this concept completely.
9 I think the data we're asking for is out of the ordinary.
10 I think if they build a system to achieve that, there's a
11 cost involved to that.

12 CHAIRMAN EATON: The mike is off. No one
13 is listening because they can't hear you.

14 BOARD MEMBER JONES: I support the concept.
15 I think the dollars to develop different parts of the
16 computer system are valid. If you look at the information
17 that we're getting or that we're going to get, are going
18 to show some pretty specific trends. I think, too, that
19 as I understand it, we don't spend any money as part of
20 1-800-CLEANUP, that it's sponsored by large corporations.

21 I was at a TOSCO event, people that own
22 Union Oil, Union 76 and Circle K stores where they put the
23 1-800-CLEANUP number on every oil can which is made with
24 recycled-content plastic that goes into every Union store
25 in the nation. That's the kind of commitment that

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1 industry is putting into this thing to make a number
2 available for people to call for information, and if it's
3 going to cost us \$140,000 to get that information to
4 better tailor how we spend our \$10 million in grants, then
5 that makes sense to me.

6 I have no problem with waiting a month
7 until your questions get answered, but I'm in complete
8 support of this program and see value in it. If you can
9 get us something for nothing, that's cool, but I think in
10 an MOU that says we're going to provide information
11 probably dealt with number of phone calls and number of
12 hits and some pretty minimal data gathering, I would
13 think, but I'll wait a month, but I'm supporting this
14 thing.

15 CHAIRMAN EATON: Good. All right. Any
16 other comments or questions?

17 BOARD MEMBER MOULTON-PATTERSON:
18 Mr. Chairman, I would feel more comfortable with more
19 information and I think I can be supportive.

20 CHAIRMAN EATON: I think without objection
21 it will just be continued, and that would be also Item 3
22 because that's the actual award of the money. So without
23 objection, Items 2 and 3 will be continued for one month
24 to the April board meeting, further direction for
25 additional information and clarification as to what the

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1 information is.

2 Also with that, in keeping with past
3 practices, whose property is that information we're paying
4 for? Is that the property -- do we have to enter into
5 those types of agreements where we start into copyrights
6 and some of the other information that we're paying to
7 develop a database? I sure would like to be able to keep
8 that database, and that's what you were talking about,
9 Mr. Jones, in keeping with some of your past practices of
10 ownership and stuff is what we're going to be able to do.
11 It's those kinds of questions.

12 I think it would be good, at least from my
13 perspective, to sit down and talk to you about some of the
14 things that I would like to see and maybe other Board
15 Members may have or may not have.

16 Thank you.

17 MR. BOUGHTON: Thank you.

18 CHAIRMAN EATON: Thank you.

19 Item Number 4, discussion of a plan to
20 study options for waste paint and antifreeze management in
21 California. I believe this was an item that Senator
22 Roberti had asked for a month or two ago, but I think it
23 is being brought back in a timely fashion, hopefully.

24 BOARD MEMBER ROBERTI: Absolutely.

25 MR. BOUGHTON: Thank you. As you just

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1 mentioned, at the November meeting the Board directed
2 staff to present a plan and options to study options to
3 improve waste paint and antifreeze waste management in
4 California, and this informational item presents the plan
5 that we will implement upon direction of the Board.

6 As you know, waste paint -- as you may not
7 know, waste paint has grown from 30 percent to over 42
8 percent of household hazardous waste collected by local
9 governments in the past five years. It looks like the
10 volumes of collected paint will continue to grow at about
11 a 15-percent pace each year.

12 While not a significant public recycling
13 issue, antifreeze does substantially contribute to
14 non-point source pollution to the state's waterways and
15 also poses a health risk to animals and children. The
16 large volumes of waste paints and the environmental impact
17 of these wastes, as well as the high cost borne by local
18 governments to collect and recycle these materials, are
19 the principal issues that we intend to address.

20 We actually did begin this initiative back
21 in January for some fact-finding, and we met with many
22 local HHW program managers through HHW exchanges at our
23 kickoff meeting. We found great interest in finding
24 solutions to both the paint and antifreeze issues. We've
25 also put out a survey to gather some up-to-date costs and

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1 collection volume information, and we've received that and
2 are processing that information now. We've also begun to
3 accumulate information on management techniques that are
4 in place now with some local jurisdictions, other states
5 and other countries as well. We have begun to identify
6 members for the task force to conduct this study,
7 including industry representatives.

8 The tasks and the time line are outlined in
9 the item in the table, so I'll just briefly go through
10 them. It includes initial task force meetings to
11 formulate the options that will work for both California
12 HHW programs and business during April and May, then we
13 will bring those back and analyze costs, feasibility and
14 implementation issues for each of the options with the
15 assistance of an HHW grant recipient. We'll hold several
16 workshops with stakeholders in northern and southern
17 California to gather additional input, and we'll have a
18 final task force meeting to prioritize the items and
19 finalize the options. We've targeted the August 2000
20 board meeting to present recommendations so if there are
21 any legislative initiatives that were on track we're going
22 through the process with Cal/EPA.

23 In conclusion, this project was borne out
24 of local initiatives to address these wastes over the last
25 several years. Because this is a statewide issue that

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1 affects all local governments, it's very worthwhile for
2 the Board to undertake and we think this is probably the
3 best technical assistance that we could really provide at
4 this time for HHW.

5 We've estimated that it will cost us about
6 a quarter (inaudible) to conduct this study because we
7 have the assistance of all the local government grantees
8 giving us information and helping us all along the way.
9 I've heard from many locals that have asked for the Board
10 to provide leadership on this on a statewide level.

11 Because this is an informational item and
12 there's no formal action requested of the Board, we would
13 like this Board's approval to proceed with the plan at
14 this time. I'll be happy to answer any questions you
15 have.

16 CHAIRMAN EATON: Questions?

17 BOARD MEMBER ROBERTI: No, Mr. Chairman. I
18 want to add that I'm happy with the work of staff that has
19 been prompt and thorough. For my part, I certainly want
20 them to proceed with the program as Mr. Boughton has
21 outlined.

22 CHAIRMAN EATON: You do expect to come back
23 this year?

24 MR. BOUGHTON: Yes, August 2000.

25 CHAIRMAN EATON: I want to make sure that

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1 we're all talking about the same, at least the target will
2 be August or no later than September.

3 MR. BOUGHTON: We'll come back and update
4 the Board if we get off track.

5 CHAIRMAN EATON: Part of that will also
6 include some of the programs like City of Santa Clarita,
7 perhaps, and their roundup of some of these materials, as
8 well as I was noticing in the packet of materials they
9 have that and that would be part of the task force --

10 MR. BOUGHTON: We will look at take-back
11 programs for businesses and d-base programs like the oil
12 program and outreach, anything under the sun we can dig
13 up.

14 CHAIRMAN EATON: Mr. Jones.

15 BOARD MEMBER JONES: Mr. Chairman, I agree
16 with everything they've got here. I think it makes a lot
17 of sense. I would like for them to think about adding one
18 more and that's on actual use, talk with the local Air
19 Districts, find out what some of the use issues are
20 because you can collect this stuff all day long and if you
21 don't have somewhere to use it, it creates a problem.

22 I know Mr. Switzer is sitting out in the
23 audience and he ran Norcal's household hazardous waste
24 programs for a long time, and we used to take -- we
25 recycled an awful lot of paint and made it available to

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1 City of San Francisco, but we also used it to paint the
2 push walls inside the transfer station daily. Two things
3 happened. It was a place to use the paint, but it also
4 helped as a protectant on the metal and the concrete
5 because it builds up a little bit of a cushion where
6 you're sliding the garbage a little bit easier.

7 I would like to see us thinking about or
8 making people locally think about other options within a
9 community to reuse that other than just taking it out and
10 getting it reblended and trying to use it for graffiti
11 abatement, that I know there's lots of cities and counties
12 that have drums of this stuff sitting around.

13 I think if the Board Members didn't mind,
14 that would be a reuse locally and talk to the Air
15 Districts and see if there's a problem with air standards,
16 and where there are, you're not going to be able to use
17 this as an option, but it's no cost or low cost.

18 CHAIRMAN EATON: All right. Thank you
19 very, very much, and good job on the progress thus far.

20 Senator Roberti.

21 BOARD MEMBER ROBERTI: Just to throw out,
22 Member Moulton-Patterson and I went to the Whittier. It
23 was interesting. I was prepared to see just strictly how
24 they reclaim the paint, and it was -- this company not
25 only reclaims the paint, but it's used for cement. In

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1 fact, that's the greater use. So what you're saying is
2 there must be 101 other uses that we haven't just pushed
3 or explored, and the first thing that comes to mind is use
4 gray paint to cover up graffiti, which is a nice use as
5 well, but there are other things.

6 I was surprised that the company -- what
7 was the name of the company again? Amazon. Their main
8 thing to reuse the paint was to harden cement and they
9 went through the whole routine of how they do that.

10 CHAIRMAN EATON: Thank you.

11 MR. BOUGHTON: Thank you.

12 CHAIRMAN EATON: All right.

13 Item Number 5. Just for time management,
14 we're going to complete Items 5 and 6, take a short break,
15 and then come back and clean up at a minimum all of the
16 permits because there are individuals here who came from
17 far places, also some public servants who have to get back
18 out and do other work on sites. So we'll do 5 and 6 as we
19 get to those, take a short break and come back and do the
20 permits so all of you can meet with your previous
21 commitments to planes, trains and automobiles and other
22 kinds of transportation.

23 Ms. Gildart.

24 MS. GILDART: Good morning, Chairman and
25 Members. Martha Gildart with the Special Waste Division.

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1 In Item 5, staff is requesting approval of
2 the modification to the Board's standards process for
3 evaluating grants. The Playground Act authorized the
4 Board to provide \$2 million in grants to public schools to
5 upgrade playgrounds to current safety standards using
6 recycled-content materials.

7 With over 8,000 public schools in
8 California, staff anticipates receiving several hundred
9 applications in the first cycle. To handle that large
10 volume, staff requests that the Board set a maximum of 10
11 applications for the blind review process rather than the
12 current 10 percent; that we use a benchmark process to
13 standardize the review; and that we increase the point
14 spread triggering action on the blind review to 10 points
15 rather than the current five.

16 As is current practice, if the blind review
17 scores result in a point spread of more than 10 points,
18 then the Waste Tire Management Branch will meet with the
19 Financial Assistance Branch to determine what action is
20 then necessary.

21 Do you have any questions?

22 CHAIRMAN EATON: Any questions? Okay.
23 I'll move that we adopt Resolution 2000-169 regard with
24 regard to the Playground Safety and Recycling Act grant
25 program.

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1 BOARD MEMBER ROBERTI: Second.

2 BOARD MEMBER JONES: Second.

3 CHAIRMAN EATON: Mr. Eaton moves and
4 Senator Roberti seconds that we adopt Resolution 2000-169.
5 Without objection -- I think we had a unanimous roll call
6 the last time. Is that correct?

7 Without objection, we'll substitute the
8 previous roll call. Without objection, so shall be
9 ordered.

10 Item 6.

11 MS. GILDART: Item 6, staff is requesting
12 that the Board adopt the Negative Declaration for use of
13 shredded tires as lightweight fill in the Dixon Landing
14 Road Interchange Project which is part of the larger
15 reconstruction repair project that Caltrans is conducting
16 in the Bay Area on I-880.

17 The Negative Declaration was duly noticed
18 in the local newspapers on February 23rd and we've
19 received no comments. The Regional Water Quality Control
20 Board reviews the Negative Declaration to grant a waiver
21 for the Waste Discharge Requirements for the replacement
22 of these tire shreds and will take that to their April
23 meeting for approval if this Board approves this Negative
24 Declaration.

25 CHAIRMAN EATON: Any questions of staff?

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1 Ms. Moulton-Patterson.

2 BOARD MEMBER MOULTON-PATTERSON: No
3 questions.

4 CHAIRMAN EATON: I just have one public
5 apology. Mr. Michael Herrington had requested to speak on
6 the previous item as well as this item and I just
7 completely overlooked it. So if he's still here, I
8 apologize. If he would like to speak to Item 6 and
9 obviously speak as well as 5, I'm sorry.

10 Ms. Moulton-Patterson.

11 BOARD MEMBER MOULTON-PATTERSON: Thank you,
12 Mr. Chairman. I recommend approval of Resolution 2000-152
13 of the Negative Declaration for the use of shredded tires
14 as lightweight fill at the Dixon Landing Road Interchange
15 project.

16 BOARD MEMBER JONES: Second.

17 CHAIRMAN EATON: Ms. Moulton-Patterson
18 moves and Mr. Jones seconds that we adopt Resolution
19 2000-152, which is the adoption of the Negative
20 Declaration. Mr. Herrington, are you here? I apologize.
21 I'm very sorry. You can speak both on 5 and 6.

22 MR. HERRINGTON: Thank you, Mr. Chairman.
23 Chairman Eaton and Members, I'm Mike Herrington of CRM, a
24 recycling company in Los Angeles.

25 Basically on 5 it was just really a

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1 concurrence-type thing. We applaud the Board's effort,
2 really multi-year efforts in leadership and goals
3 providing safe surfacing to California schools through the
4 existing tire grant program and just wanted to make sure
5 that with the State's Playground Safety and Recycling Act
6 grant program that the evaluation process include, as your
7 previous grant did, that in resilient surfacing that the
8 recycling crumb rubber used be from California waste
9 tires, and secondly that you consider that playground
10 application, that the playground equipment be recycled
11 playground equipment, recycled plastic playground
12 equipment also incorporate plastic that's generated in
13 California and recycled into the playground equipment,
14 have that as part of the evaluation and criteria for being
15 a source of grant funding.

16 On Item Number 6, again just very briefly,
17 in the Board's efforts to promote additional uses for the
18 waste tire generation, to remove it out of the solid
19 wastestream, we would ask that staff continue to evaluate
20 and reevaluate the various uses for waste tires and keep
21 in mind the hierarchy of solid waste management and
22 suggest that staff further on these evaluations look at
23 what impact it's going to have, recommendations like
24 lightweight fill will have on existing solutions, again
25 with the hierarchy of solid waste management being the

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1 overriding criteria.

2 We'd like to see the solutions for waste
3 tires move out of the oh, say ADC realm and more up the
4 hierarchy toward crumb rubber products, and that's one
5 thing that I think staff really needs to look at is what
6 impact these recommendations are going to have on existing
7 businesses and existing tire flow.

8 Thank you.

9 CHAIRMAN EATON: Thank you, Mr. Herrington,
10 and we'll need your help as we move our Tire Bill through
11 because there is not that sensitive to some of the crumb
12 aspects of it. All right.

13 Item Number 6.

14 BOARD MEMBER JONES: Mr. Chairman.

15 CHAIRMAN EATON: Mr. Jones.

16 BOARD MEMBER JONES: I would like to move
17 adoption of Resolution 2000-152, consideration --

18 CHAIRMAN EATON: I think there's a motion
19 already on.

20 BOARD MEMBER ROBERTI: You already seconded
21 it.

22 BOARD MEMBER JONES: If I did, that's fine.
23 All right.

24 CHAIRMAN EATON: As you can tell, a break
25 is well deserved. I think because this is a Negative Dec,

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1 we probably we should take a roll call. Okay.

2 Madam Secretary, please call the roll.

3 BOARD SECRETARY: Board Members Jones.

4 BOARD MEMBER JONES: Aye.

5 BOARD SECRETARY: Roberti.

6 BOARD MEMBER ROBERTI: Aye.

7 BOARD SECRETARY: Moulton-Patterson.

8 BOARD MEMBER MOULTON-PATTERSON: Aye.

9 BOARD SECRETARY: Chairman Eaton.

10 CHAIRMAN EATON: Aye.

11 Okay. We'll take a short ten-minute break

12 and resume at 11:20, in which case we'll take care of the

13 permits. We'll stand in recess until 11:20.

14 (Brief recess taken)

15 CHAIRMAN EATON: Welcome back, everyone.

16 Start with Mr. Jones. Mr. Jones, any ex

17 parte communications to be reported during the break?

18 BOARD MEMBER JONES: Just to -- one with

19 Joe Sloan from Republic Industries and Jim Kuhl from the

20 City of Long Beach.

21 CHAIRMAN EATON: All right.

22 Ms. Moulton-Patterson, any ex partes?

23 BOARD MEMBER MOULTON-PATTERSON: No.

24 BOARD MEMBER ROBERTI: I went to mail two

25 letters and that's why I'm late.

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1 CHAIRMAN EATON: Return to sender I think
2 is what we wanted to say. And I just had one, sort of a
3 meet-and-greet with Joe Sloan, also from Republic. All
4 right.

5 Item Number 7. Ms. Nauman.

6 MS. NAUMAN: Mr. Chairman and Members,
7 Julie Nauman, Deputy Director of Permitting and
8 Enforcement.

9 Item Number 7 is consideration of a revised
10 Solid Waste Facility Permit for Keller Canyon landfill in
11 Contra Costa County, and Mark DeBie will be making the
12 brief staff presentation on this.

13 MR. DE BIE: Thank you. Mark DeBie with
14 the Permitting and Inspection Branch.

15 As Julie indicated, this is for Keller
16 Canyon landfill, Contra Costa County. There is one minor
17 correction or change to the agenda item. On page 4 of the
18 item, on the last paragraph there's a date regarding the
19 certificate of liability insurance. It indicates on the
20 item that it's March 1st. It should be changed to April
21 30th.

22 The facility is owned and operated by
23 Keller Canyon Landfill Company, a wholly-owned subsidiary
24 of Allied Waste Industries. This proposed project is to
25 allow for an increase in the maximum daily tonnage from

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1 2,750 tons to 3,500 tons. There are no other changes.

2 When the item was written, we hadn't
3 received information back from the Office of Local
4 Assistance relative to consistency with the Plan. We have
5 since heard back from them and staff has been able to make
6 a finding of consistency, and the revised resolution that
7 I believe you received last week indicates that. There
8 are also copies of the revised resolution at the back of
9 the room.

10 Staff have reviewed the proposed permit and
11 supporting documentation and found that it meets all the
12 requirements and is acceptable for consideration by the
13 Board.

14 So in conclusion, staff recommends adoption
15 of Resolution 2000-155 concurring in the issuance of Solid
16 Waste Facility Permit Number 07-AA-0032. The Local
17 Enforcement Agency is present as well as Norm Christianson
18 if you have any questions.

19 This concludes staff's presentation.

20 CHAIRMAN EATON: Any questions of staff?
21 Is part of the permit -- probably not relevant to the
22 permit, but part of the increase is because of the
23 situation of Napa not going to Washington?

24 MR. DE BIE: That's correct. Around 20
25 percent of the increase would be waste from that, but the

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1 facility had -- was already encroaching on the maximum
2 prior to that.

3 CHAIRMAN EATON: Okay.

4 BOARD MEMBER JONES: Mr. Chairman.

5 CHAIRMAN EATON: Mr. Jones.

6 BOARD MEMBER JONES: I would like to move
7 adoption of Resolution 2000-155, consideration of the
8 revised Solid Waste Facility Permit for Keller Canyon
9 landfill.

10 BOARD MEMBER MOULTON-PATTERSON: Second.

11 CHAIRMAN EATON: All right. Mr. Jones
12 moves and Ms. Moulton-Patterson seconds that we adopt
13 Resolution 2000-155 as revised.

14 Madam Secretary, please call the roll.

15 BOARD SECRETARY: Board Members Jones.

16 BOARD MEMBER JONES: Aye.

17 BOARD SECRETARY: Roberti.

18 BOARD MEMBER ROBERTI: Aye.

19 BOARD SECRETARY: Moulton-Patterson.

20 BOARD MEMBER MOULTON-PATTERSON: Aye.

21 BOARD SECRETARY: Chairman Eaton.

22 CHAIRMAN EATON: Aye.

23 CHAIRMAN EATON: Next item, Ms. Nauman.

24 MS. NAUMAN: Item Number 8 is consideration
25 of a Solid Waste Facility Permit for Lone Pine landfill in

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1 Inyo County, and Mark will also make the presentation on
2 this item.

3 MR. DE BIE: This item is one of three that
4 are very similar from Inyo County in revising some old
5 permits and bringing them up to date.

6 This particular one for Lone Pine will
7 allow an increase in the permitted area from 20 acres to
8 65.7 acres. It will establish for the first time in
9 actual disposal acreage 26.6 acres. It will increase the
10 site life from 2007 to 2087. It will decrease the hours
11 of operation from all year, 24 hours a day to five days a
12 week, nine hours a day.

13 Staff has been able to make all of the
14 findings and, therefore, recommends adoption of Resolution
15 2000-156 and approval of the revised Solid Waste Facility
16 Permit 14-AA-0003.

17 CHAIRMAN EATON: Any questions of staff?

18 BOARD MEMBER JONES: Mr. Chairman.

19 CHAIRMAN EATON: Mr. Jones.

20 BOARD MEMBER JONES: Before I make the
21 motion, I want to congratulate Inyo County. I want to
22 congratulate our staff. They worked hard with this
23 jurisdiction in compliance and Inyo County kept its word
24 and we always like to see the counties keep their word.

25 With that, I will move adoption of

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1 Resolution 2000-156, consideration of a revised Solid
2 Waste Facility Permit for Lone Pine landfill in Inyo
3 County.

4 CHAIRMAN EATON: Mr. Jones, since this is
5 one of the permits, we have to make a particular set of
6 findings, if you wouldn't mind.

7 BOARD MEMBER JONES: No problem. I move
8 Resolution 2000-156 with the appropriate findings to
9 indicate that the Board has found the proposed permit to
10 be consistent with CEQA, in conformance with the intent of
11 the County Integrated Waste Management Plan, meeting all
12 local and state permit requirements, consistent with state
13 minimum standards and, therefore, concurs in the proposed
14 permit.

15 CHAIRMAN EATON: Thank you, Mr. Jones.
16 I'll second it. Mr. Jones moves and Mr. Eaton seconds
17 that we adopt Resolution 2000-156 with all the appropriate
18 findings.

19 Madam Secretary, please call the roll.

20 BOARD SECRETARY: Board Members Jones.

21 BOARD MEMBER JONES: Aye.

22 BOARD SECRETARY: Roberti.

23 BOARD MEMBER ROBERTI: Aye.

24 BOARD SECRETARY: Moulton-Patterson.

25 BOARD MEMBER MOULTON-PATTERSON: Aye.

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1 BOARD SECRETARY: Chairman Eaton.

2 CHAIRMAN EATON: Aye.

3 Number 9.

4 MS. NAUMAN: Item 9 is consideration of a
5 Solid Waste Facility Permit for Shoshone landfill in Inyo
6 County. Mark DeBie.

7 MR. DE BIE: Thank you.

8 Mr. Jones, you beat staff to recognizing
9 the county. I had it in my notes to do it at the end, but
10 I'll do that now. Specifically Bob Heard with the Inyo
11 County LEA has been working with Bob Mayview and Chuck
12 Hamilton to get these sites up to speed, so staff would
13 like to recognize them also.

14 For the Shoshone landfill, there's an
15 increase of peak disposal tonnage from 0.8 to 1.0 tons per
16 day.

17 CHAIRMAN EATON: Could you repeat that? I
18 didn't quite get that.

19 (Laughter)

20 MR. DE BIE: There's an increase in peak
21 tonnage from .8 to 1 ton per day. However, there's a
22 decrease in the annual tonnage due to the closure to the
23 communities except for emergency situations.

24 We're establishing a disposal acreage of
25 4.47 with this permit, decreasing the site life from 2063

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1 to 2052, increasing the hours of operation again from all
2 year, 24 hours to an as-need basis and to the community in
3 an emergency situation.

4 Staff has been able to make all of the
5 required findings and, therefore, recommends adoption of
6 the Resolution 2000-157, concurring in the revised Solid
7 Waste Facility Permit Number 14-AA-0006.

8 CHAIRMAN EATON: All right. Any questions
9 of staff?

10 Ms. Moulton-Patterson.

11 BOARD MEMBER MOULTON-PATTERSON:

12 Mr. Chairman, I move Resolution 2000-157 with the
13 appropriate findings to indicate that the Board has found
14 the proposed permit to be consistent with the California
15 Environmental Quality Act, in conformance with the intent
16 of the County Integrated Waste Management Plan, meeting
17 all local and state permit requirements, and consistent
18 with state minimum standards and, therefore, concurs in
19 the proposed permit.

20 CHAIRMAN EATON: All right. I'll second
21 the motion.

22 So Ms. Moulton-Patterson moves and
23 Mr. Eaton seconds that we adopt Resolution 2000-157 with
24 the appropriate findings.

25 Madam Secretary, would you please call the

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1 roll.

2 BOARD SECRETARY: Board Members Jones.

3 BOARD MEMBER JONES: Aye.

4 BOARD SECRETARY: Roberti.

5 BOARD MEMBER ROBERTI: Aye.

6 BOARD SECRETARY: Moulton-Patterson.

7 BOARD MEMBER MOULTON-PATTERSON: Aye.

8 BOARD SECRETARY: Chairman Eaton.

9 CHAIRMAN EATON: Aye. Item Number 10.

10 MS. NAUMAN: Item Number 10 is

11 consideration of a revised Solid Waste Facility Permit

12 for Tecopa landfill in Inyo County.

13 MR. DE BIE: Again, the changes reflected

14 in this permit are very similar to the first two in the

15 change in tonnage. The permitted acreage is shrinking

16 from 40 acres to 29.4 acres. The disposal site acreage is

17 9.3, decreasing site life from 2189 to 2150, and a

18 decrease in the hours of operation reflected in the

19 previous item where it's just open on an as-need basis or

20 emergency basis.

21 Again, staff has been able to make all of

22 the required findings and, therefore, recommends adoption

23 of 2000-158, concurring in the revised Solid Waste

24 Facility Permit 15-AA-0007.

25 CHAIRMAN EATON: Any questions of staff?

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1 All right.

2 BOARD MEMBER MOULTON-PATTERSON:

3 Mr. Chairman.

4 CHAIRMAN EATON: Ms. Moulton-Patterson.

5 BOARD MEMBER MOULTON-PATTERSON: I move
6 Resolution 2000-158 with the appropriate findings that the
7 Board has found the proposed permit to be consistent with
8 the California Environmental Quality Act, in conformance
9 with the intent of the County Integrated Waste Management
10 Plan and meeting all local and state permit requirements,
11 consistent with state minimum standards and, therefore,
12 concurs in the proposed permit.

13 CHAIRMAN EATON: And I'll second the
14 motion.

15 Ms. Moulton-Patterson moves and Mr. Eaton
16 seconds that we adopt Resolution 2000-158 with the
17 appropriate findings.

18 Madam Secretary, please call the roll.

19 BOARD SECRETARY: Board Members Jones.

20 BOARD MEMBER JONES: Aye.

21 BOARD SECRETARY: Roberti.

22 BOARD MEMBER ROBERTI: Aye.

23 BOARD SECRETARY: Moulton-Patterson.

24 BOARD MEMBER MOULTON-PATTERSON: Aye.

25 BOARD SECRETARY: Chairman Eaton.

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1 CHAIRMAN EATON: Aye.

2 Item Number 11.

3 MS. NAUMAN: Item 11 is consideration of a
4 new Solid Waste Facility Permit for the City of Brentwood
5 Solid Waste Transfer Station located in Contra Costa
6 County.

7 MR. DE BIE: The City of Brentwood Solid
8 Waste Transfer Station is owned and operated by the City
9 of Brentwood. It began operation under a notification as
10 a limited volume transfer operation. With this proposed
11 permit, the operation will move into being a large volume
12 transfer station with an increase in maximum daily tonnage
13 from 15 tons to 400 tons per day with an average of 200
14 tons per day. The proposed permit would also allow the
15 facility to be open to the public.

16 The facility is operating currently without
17 a Solid Waste Facility Permit, so it's been noted to be in
18 violation of 44002, but with the concurrence of this
19 proposed permit that violation will be remedied.

20 Staff has reviewed the proposed permit and
21 all of the supporting documentation and found that it
22 meets all of the requirements and, therefore, recommend
23 the Board adopt Resolution 2000-154 concurring in the
24 issuance of Solid Waste Facility Permit 07-AA-0053.

25 Paul Schraeder with the LEA is present as

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1 well as John Carlson with the City.

2 CHAIRMAN EATON: Any questions of staff or
3 the appropriate individuals that are here today?

4 BOARD MEMBER JONES: Mr. Chairman.

5 CHAIRMAN EATON: Mr. Jones.

6 BOARD MEMBER JONES: I would like to move
7 adoption of Resolution 2000-154 for the consideration of a
8 new Solid Waste Facility Permit for the City of Brentwood
9 Solid Waste Transfer Station, Contra Costa County.

10 CHAIRMAN EATON: All right. I'll second
11 the motion.

12 So Mr. Jones moves and Mr. Eaton seconds
13 that we adopt Resolution 2000-154.

14 Madam Secretary, please call the roll.

15 BOARD SECRETARY: Board Members Jones.

16 BOARD MEMBER JONES: Aye.

17 BOARD SECRETARY: Roberti.

18 BOARD MEMBER ROBERTI: Aye.

19 BOARD SECRETARY: Moulton-Patterson.

20 BOARD MEMBER MOULTON-PATTERSON: Aye.

21 BOARD SECRETARY: Chairman Eaton.

22 CHAIRMAN EATON: Aye.

23 Okay. Item 12, as you know, had been
24 previously pulled, and my understanding is that due to an
25 inadvertence on the part of all of us, Item Number 37

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1 really should have been Item Number 13 in this category,
2 so we should take that up right now. Item 37 will be
3 taken up actually in the appropriate subject matter but
4 not in numerical order.

5 MS. NAUMAN: Thank you, Mr. Chairman.

6 Item 37 is consideration of a new
7 Standardized Composting Permit for Kochergen Farms
8 Composting in Kings County.

9 MR. DE BIE: This proposed compost facility
10 is not yet under construction. It's a brand-new
11 composting facility. You should have just received or are
12 receiving and also in the back of the room are a new
13 revised permit that we received after this item went to
14 press.

15 The changes in the new standardized permit
16 from the one in your item clarifies the name, deletes a
17 reference to 50000.5(a) and makes the proper reference to
18 50001, and also changes the reference to an updated RCSI,
19 Report of Composting Site operation. There aren't any
20 other changes to the permit other than those.

21 The composting facility will be located on
22 the south side of Avenal Cutoff Road at the 34th Avenue
23 alignment within the City of Avenal. It's located on a
24 30-acre parcel surrounded by agricultural land. The
25 nearest residence is approximately three quarters of a

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1 mile to the northeast.

2 It will have a permitted capacity of 37,000
3 cubic yards of active compost and 3,000 cubic yards of
4 additives. Permitted daily tonnage, peak daily tonnage
5 will be 500 tons per day or 1,000 cubic yards per day.
6 Feedstock will be green material from municipal green
7 collection programs, commercial waste green collection
8 vehicles, commercial gardening landscaping services, as
9 well as tree services, wineries and farms. The feedstock
10 will also include preconsumer produce residuals from
11 grocery stores, hospitals, schools and packing houses.
12 The composting process will be aerobic windrows.

13 As the Board concurred on the amendment to
14 the City of Avenal's NDFE, staff can now make all of the
15 required findings for this facility and, therefore,
16 recommend that the Board adopt Resolution Number 2000-174,
17 concurring in the issuance of the Standardized Composting
18 Permit Number 16-AA-0022 for Kochergen Farms.

19 The LEA, Ms. Flores, is present, as well as
20 the operator and the operator's consultant, Mr. Jim
21 Donabed, and Mr. Donabed had requested to speak to the
22 Board at your pleasure.

23 This concludes staff's presentation.

24 CHAIRMAN EATON: Any questions of staff?

25 BOARD MEMBER JONES: Mr. Chairman.

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1 CHAIRMAN EATON: Mr. Jones.

2 BOARD MEMBER JONES: This -- I know
3 somebody wants to speak, but this was the one that was
4 identified in the siting element, not in the NDFE, so it
5 had to go back through and be identified?

6 MR. DEBIE: That's correct.

7 MS. NAUMAN: And you just heard the permit
8 today.

9 MR. DONABED: I'm James Donabed, the
10 consultant. I didn't know if it was appropriate now.

11 CHAIRMAN EATON: It would be most
12 appropriate before we make a motion or lack thereof
13 depending.

14 MR. DONABED: Good morning, Chair Eaton,
15 Members of the Board and staff. My name is James Donabed.
16 The last name is spelled D-o-n-a-b-e-d. I'm with
17 Durk-Pushells (phonetic) Land Development Service in
18 Fresno, and we represent the applicant, Kochergen Farms,
19 who's farmed in the central San Joaquine Valley since
20 1948. I can assure the Board that Kochergen Farms
21 composting is committed to a fully compliant composting
22 facility at the location and to maintain and develop a
23 very good relationship with the lead agency, Kings County.

24 I would like to finally thank staff for
25 their help to me personally and the resolution in getting

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1 this matter before the Board, specifically Chris Diedrick
2 and Louis Flores from Kings County.

3 Thank you.

4 CHAIRMAN EATON: Thank you. Any questions?

5 BOARD MEMBER JONES: Mr. Chairman.

6 CHAIRMAN EATON: Mr. Jones.

7 BOARD MEMBER JONES: I would like to move
8 adoption of Resolution 2000-174, consideration of a new
9 Standardized Composting Permit for Kochergen Farms
10 Composting in Kings County.

11 CHAIRMAN EATON: Make the appropriate
12 findings?

13 BOARD MEMBER JONES: This one, too?

14 CHAIRMAN EATON: Yes.

15 BOARD MEMBER JONES: Sorry about that. I
16 move Resolution 2000-174 with the appropriate findings to
17 indicate the Board has found the proposed permit to be
18 consistent with CEQA, in conformance with the intent of
19 the County Integrated Waste Management Plan, consistent
20 with state minimum standards and, therefore, concur in the
21 proposed permit.

22 BOARD MEMBER MOULTON-PATTERSON: Second.

23 CHAIRMAN EATON: Mr. Jones moves and
24 Ms. Moulton-Patterson seconds we adopt Resolution 2000-174
25 with the appropriate findings.

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1 Madam Secretary, will you please call the
2 roll.

3 BOARD SECRETARY: Board Members Jones.

4 BOARD MEMBER JONES: Aye.

5 BOARD SECRETARY: Roberti.

6 BOARD MEMBER ROBERTI: Aye.

7 BOARD SECRETARY: Moulton-Patterson.

8 BOARD MEMBER MOULTON-PATTERSON: Aye.

9 BOARD SECRETARY: Chairman Eaton.

10 CHAIRMAN EATON: Aye.

11 MS. NAUMAN: Thank you, Mr. Chairman and

12 Board Members.

13 CHAIRMAN EATON: We do have a time
14 constraint this afternoon. Item Number 13, Market
15 Development. While we're doing that, I may have misspoken
16 on Item 10 when I announced it, but that should be
17 Resolution 158, and Item Number 11, I believe, is 154. I
18 think I said it correctly, but just for the record. It
19 must be all the blue sky here or something. I'm not sure
20 but somehow I seem to think that I mentioned the same
21 number twice. To set the record straight as you're going
22 through the transcript be that Item Number 10 is 158 and
23 Item Number 11 is 154, the resolution.

24 Mr. Orr.

25 MR. ORR: Good morning, Mr. Chairman and

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1 Board Members. My name is Bill Orr, Acting Deputy
2 Director, Waste Prevention and Market Development.

3 I'm prepared to do an overview of the loan
4 program speaking briefly to the types and distribution of
5 the loans, but I'd like to --

6 CHAIRMAN EATON: You do so at your own risk
7 before the lunch hour.

8 MR. ORR: But in the interest of time, I'm
9 going to forego that to the next meeting.

10 (Laughter)

11 MR. ORR: I will be presenting all of the
12 items for the Division.

13 First, Item 13 presents for consideration
14 the Recycling Market Development Revolving loan program to
15 Cranford, Inc. in the amount of \$70,000. The company is
16 located in Spreckels, California within the Central Coast
17 Recycling Market Development Zone. Those funds will be
18 used to purchase machinery and equipment to produce a
19 micronized compost for agricultural use in drip system or
20 sprayer.

21 The project is projected to divert 10,000
22 tons of green waste and food waste from California
23 landfills annually. The loan committee approved the loan
24 as presented on March 9th. The Board's Permitting and
25 Enforcement Division has reviewed the project and

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1 confirmed that Cranford's existing Solid Waste Permit is
2 adequate to cover the project without any modification or
3 changes.

4 Therefore, staff recommends the Board
5 approve the loan in the amount of \$70,000 and adopt
6 Resolution 2000-8.

7 CHAIRMAN EATON: Any questions?

8 BOARD MEMBER ROBERTI: Mr. Chairman.

9 CHAIRMAN EATON: Senator Roberti.

10 BOARD MEMBER ROBERTI: I move the Board

11 adopt Resolution 2000-8.

12 BOARD MEMBER JONES: Second.

13 CHAIRMAN EATON: Senator Roberti moves and
14 Mr. Jones seconds that we adopt Resolution 2000-8. Since
15 it's an allocation of funds, roll call would be
16 appropriate.

17 Madam Secretary, please call the roll.

18 BOARD SECRETARY: Board Members Jones.

19 BOARD MEMBER JONES: Aye.

20 BOARD SECRETARY: Senator Roberti.

21 BOARD MEMBER ROBERTI: Aye.

22 BOARD SECRETARY: Moulton-Patterson.

23 BOARD MEMBER MOULTON-PATTERSON: Aye.

24 BOARD SECRETARY: Chairman Eaton.

25 CHAIRMAN EATON: Aye. Okay. Next item.

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1 MR. ORR: Item 14 presents for
2 consideration a loan to Saint Vincent de Paul of Lane
3 County, Incorporated in the amount of \$250,000. The
4 applicant requested the loan amount be reduced from
5 \$311,000 as shown in the agenda item because they have
6 internally raised additional funds for this project.

7 The project will be located in Oakland,
8 California, at an existing Saint Vincent de Paul site
9 within the Oakland-Berkeley RMDZ. Loan funds will be used
10 to purchase equipment to de-construct bulky material and
11 mattresses into various commodities including polyfoam,
12 fiber fluff, steel and wood chips. Mattresses will be
13 obtained from the Davis Street Transfer Station in Alameda
14 County, Goodwill, Salvation Army and mattress companies
15 that take old mattresses in exchange when new mattresses
16 are sold. The mattresses will be processed daily, and
17 thus no large quantity will be stored on-site.

18 This project is projected to divert 2,208
19 tons of bulky goods and materials from California
20 landfills annually. The loan committee approved the loan
21 on March 9th. The Board's Permitting and Enforcement
22 Division has reviewed the project and confirmed that a
23 Solid Waste Facility Permit is not required.

24 Therefore, staff recommends the Board
25 approves the loan in the revised amount of \$250,000 and

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1 adopt Resolution 2000-79, revised. Copies of the revised
2 resolution are also in the back of the room.

3 CHAIRMAN EATON: Thank you. Any questions?
4 I just -- what markets are they utilizing once the
5 material is de-constructed? Is there any structure set
6 up?

7 MR. ORR: I believe they do have contracts
8 for various materials that are recycled, and also as part
9 of the ongoing program we have provisions for auditing on
10 an annual basis to make sure the materials are, in fact,
11 recycled. So that's a component that's built in, but I
12 believe they do have contracts in place for the materials.

13 BOARD MEMBER JONES: I just want to ask a
14 question.

15 CHAIRMAN EATON: Mr. Jones.

16 BOARD MEMBER JONES: One of the questions I
17 asked in my briefing was do they have a collection
18 infrastructure in place or do they have the wherewithal to
19 get these mattresses to their facility? Have they
20 prearranged that?

21 MR. ORR: My understanding is that they
22 have these arrangements.

23 CHAIRMAN EATON: Ms. Moulton-Patterson.

24 BOARD MEMBER MOULTON-PATTERSON: Mr. Chair,
25 I'll move approval of Resolution 2000-79 for the approval

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1 of the Recycling Market Development Revolving Loan program
2 application for Saint Vincent de Paul Society of Lane
3 County.

4 CHAIRMAN EATON: I'll second the motion.
5 And I think it was -- so Ms. Moulton-Patterson moves and
6 Mr. Eaton seconds that we adopt Resolution 2000-79 as
7 revised.

8 Madam Secretary, please call the roll.

9 BOARD SECRETARY: Board Members Jones.

10 BOARD MEMBER JONES: Aye.

11 BOARD SECRETARY: Roberti.

12 BOARD MEMBER ROBERTI: Aye.

13 BOARD SECRETARY: Moulton-Patterson.

14 BOARD MEMBER MOULTON-PATTERSON: Aye.

15 BOARD SECRETARY: Chairman Eaton.

16 CHAIRMAN EATON: Aye.

17 Item Number 15.

18 MR. ORR: Item Number 15 presents for
19 consideration of approval of award of contract for loan
20 servicing for the Recycling Market Development Revolving
21 Loan program. The Board approved Contract Concept Number
22 24 at its October 26th through 27th, 1999 board meeting
23 and approved the scope of work at the January 25th and
24 26th, 2000 board meeting. Staff solicited invitations for
25 bid in March of 2000. The contract will be awarded to the

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1 lowest qualified and responsive bidder.

2 The new 24-month contract will begin on May
3 16th, 2000 and expire on May 15th, 2002. This will
4 succeed the existing contract with American River Bank
5 that will expire on May 15th of 2000.

6 Staff recommends the Board approve the
7 contract award to American River Bank in the amount of
8 \$300,000 who was, in fact, the successful new bidder, and
9 adopt Resolution 2000-162 revised, and this particular
10 resolution is being revised to actually include the lowest
11 successful bidder that was not available at the time the
12 board packet was printed. Likewise, copies of the revised
13 resolution are in the back.

14 CHAIRMAN EATON: Any questions? Okay.
15 And the resolution that we have for us is revised?

16 MR. ORR: It actually includes the --

17 CHAIRMAN EATON: The name of the bank.

18 MR. ORR: Yes, it is.

19 CHAIRMAN EATON: I'll move adoption of
20 Resolution 2000-162 revised for consideration of approval
21 of award of contract for loan servicing of the Recycling
22 Market Development Revolving Loan program.

23 BOARD MEMBER JONES: Second.

24 CHAIRMAN EATON: Mr. Eaton moves and
25 Mr. Jones seconds that we adopt Resolution 2000-162 as

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1 revised.

2 Madam Secretary, please call the roll.

3 BOARD SECRETARY: Board Members Jones.

4 BOARD MEMBER JONES: Aye.

5 BOARD SECRETARY: Roberti.

6 BOARD MEMBER ROBERTI: Aye.

7 BOARD SECRETARY: Moulton-Patterson.

8 BOARD MEMBER MOULTON-PATTERSON: Aye.

9 BOARD SECRETARY: Chairman Eaton.

10 CHAIRMAN EATON: Aye.

11 Item Number 16.

12 MR. ORR: 16 is on consent.

13 CHAIRMAN EATON: I'm sorry.

14 MR. ORR: So 17.

15 CHAIRMAN EATON: 17.

16 MR. ORR: This item requests that the Board

17 consider and approve the award of standard agreement with

18 Mojave Desert and Mountain Integrated Waste Management

19 Authority, and this standard agreement would utilize the

20 last \$10,000 of the \$200,000 that the Board funded for

21 grasscycling campaigns for fiscal year 1999-2000.

22 At its October 26th and 27th, 1999 meeting,

23 the Board allocated the money, and earlier in this agenda

24 the scope of work was adopted on consent.

25 Staff recommends that the Board award the

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1 standard agreement for \$10,000 using the fiscal year
2 1999-2000 consulting and professional services fund with
3 Mojave Desert and Mountain Integrated Waste Management
4 Authority to implement the Mojave Desert and Mountain 2000
5 Grasscycling Campaign and adopt Resolution 2000-165.

6 Mr. John Davis with the JPA is present.

7 CHAIRMAN EATON: Any questions?

8 BOARD MEMBER JONES: Mr. Chairman.

9 CHAIRMAN EATON: Mr. Jones.

10 BOARD MEMBER JONES: I'm assuming that --
11 actually I know it to be a fact that's the grass up in the
12 mountains we're talking about, not the stuff in the
13 desert.

14 MR. ORR: That's the region that we're
15 speaking of.

16 BOARD MEMBER JONES: I'll move adoption of
17 Resolution 2000-165 to approve the award of contract to
18 Mojave Desert and Mountain Integrated Waste Management
19 Authority for the Grasscycling Outreach Campaign.

20 BOARD MEMBER MOULTON-PATTERSON: Second.

21 CHAIRMAN EATON: Mr. Jones moves and
22 Ms. Moulton-Patterson seconds that we adopt Resolution
23 2000-165.

24 Madam Secretary, please call the roll.

25 BOARD SECRETARY: Board Members Jones.

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1 BOARD MEMBER JONES: Aye.

2 BOARD SECRETARY: Roberti.

3 BOARD MEMBER ROBERTI: Aye.

4 BOARD SECRETARY: Moulton-Patterson.

5 BOARD MEMBER MOULTON-PATTERSON: Aye.

6 BOARD SECRETARY: Chairman Eaton.

7 CHAIRMAN EATON: Aye.

8 Okay. Items 18 and 19 have been pulled

9 from today's agenda. Item Number 20. 20's on consent.

10 So that completes. The next item would be Item Number 23.

11 Excuse me. I'm sorry.

12 Are the Local Planning people here? Maybe

13 we can get one or two items in and break for lunch, and I

14 would like to try and complete 23 and 24 and then we can

15 break for lunch.

16 MR. SCHIAVO: Used to 1066 workshops.

17 (Laughter)

18 MR. LEARY: Last night was the first night

19 we've been at home in a month.

20 (Laughter)

21 MR. SCHIAVO: Pat Schiavo of the Diversion,

22 Planning and Local Assistance Division.

23 CHAIRMAN EATON: Got a little bit of sun,

24 you two; didn't you?

25 (Laughter)

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1 MR. SCHIAVO: Last day. Agenda Item 23 is
2 consideration of staff recommendation to change the base
3 year to 1995 for the previously approved Source Reduction
4 and Recycling Element and consideration of staff
5 recommendation regarding completion of compliance order
6 and consideration of the 1995-96 biennial review findings
7 for the Source Reduction and Recycling Element for the
8 City of Chico, and Mark Leary will be making that
9 presentation.

10 MR. LEARY: Mr. Chairman, Members of the
11 Board, my name is Mark Leary with the Office of Local
12 Assistance.

13 The City of Chico is another one of the
14 Board's compliance order success stories. The Board
15 issued a compliance order to the City of Chico on
16 September 21st of last year, and as a result of that order
17 the City of Chico completed successfully a waste
18 generation study and established 1995 as its new base
19 year.

20 In doing that, they've upped their
21 diversion rate for '95 and '96 to 43 and 42 percent, which
22 obviously exceeds the 25-percent threshold in the statute
23 and concurrently determined that they have a good majority
24 of the SRRE programs.

25 So with that, I would like to respectfully

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1 suggest the Board adopt Resolution 2000-141 taking them
2 off compliance and approving their 95-96 biennial review.

3 BOARD MEMBER JONES: Mr. Chairman.

4 CHAIRMAN EATON: Mr. Jones.

5 BOARD MEMBER JONES: This was a city that
6 actually told us they had bad numbers and needed to work
7 through it, and I would like to congratulate them and move
8 adoption of Resolution 2000-141, consideration of staff
9 recommendation to change the base year to 1995 for the
10 previously approved Source Reduction and Recycling
11 Element, consideration of staff recommendation regarding
12 completion of compliance order IWMA BR99-34, consideration
13 of the 1995-96 biennial review findings for the Source
14 Reduction and Recycling Element for the City of Chico.

15 CHAIRMAN EATON: I'll second the motion.

16 Mr. Jones moves and Mr. Eaton seconds that
17 we adopt Resolution 2000-141.

18 Madam Secretary, please call the roll.

19 BOARD SECRETARY: Board Members Jones.

20 BOARD MEMBER JONES: Aye.

21 BOARD SECRETARY: Roberti.

22 BOARD MEMBER ROBERTI: Aye.

23 BOARD SECRETARY: Moulton-Patterson.

24 BOARD MEMBER MOULTON-PATTERSON: Aye.

25 BOARD SECRETARY: Chairman Eaton.

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1 CHAIRMAN EATON: Aye.

2 Next item before the lunch break.

3 MR. SCHIAVO: Item 24 is consideration of
4 staff recommendation to correct the base year for the
5 previously approved Source Reduction and Recycling Element
6 and consideration of the 1997-98 biennial review findings
7 for the Source Reduction and Recycling Element and
8 Household Hazardous Waste Element for the City of Upland,
9 San Bernardino County, and Keir Furey will be making this
10 presentation.

11 MR. FUREY: Good morning, Chairman Eaton
12 and Board Members. I'm Keir Furey with the Office of
13 Local Assistance, central section.

14 Item 24 is the City of Upland's proposal to
15 correct the base year disposal of their previously
16 approved Source Reduction and Recycling Element or SRRE.
17 The City of Upland believes they have underestimated the
18 1990 self-haul disposal tonnage in their original SRRE.
19 The City proposes to make a correction to their self-haul
20 disposal tonnage based on acceptable self-haul ratio
21 methods identified in the Board's March 1997 agenda Item
22 Number 27, specifically method F-2D.

23 Calculations for the correction to their
24 self-haul disposal tonnage is based on a four-year average
25 of reporting year disposal tonnages from 1995 to 1998.

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1 This new ratio between franchise and non-franchise
2 disposal was then used to estimate the self-haul disposal
3 for 1995 ultimately corrected base year disposal for the
4 City of Upland. As shown -- staff agrees with this method
5 and has determined that the request has been adequately
6 documented.

7 Therefore, staff recommends that the
8 request for correction be approved. That concludes my
9 presentation. There are representatives from the city
10 present. Are there any questions for the staff?

11 CHAIRMAN EATON: Any questions of staff?

12 Okay. Hearing none.

13 BOARD MEMBER JONES: Mr. Chairman.

14 CHAIRMAN EATON: Mr. Jones.

15 BOARD MEMBER JONES: Looking at this
16 impressive list of programs in Upland and having to figure
17 out all of this, I congratulate them. I move adoption of
18 Resolution 2000-132 to correct the base year for the
19 previously approved Source Reduction and Recycling
20 Element.

21 BOARD MEMBER MOULTON-PATTERSON: Second.

22 CHAIRMAN EATON: Mr. Jones moves and
23 Ms. Moulton-Patterson seconds that we adopt Resolution
24 2000-132.

25 Madam Secretary, please call the roll.

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1 BOARD SECRETARY: Board Members Jones.
2 BOARD MEMBER JONES: Aye.
3 BOARD SECRETARY: Roberti.
4 BOARD MEMBER ROBERTI: Aye.
5 BOARD SECRETARY: Moulton-Patterson.
6 BOARD MEMBER MOULTON-PATTERSON: Aye.
7 BOARD SECRETARY: Chairman Eaton.
8 CHAIRMAN EATON: Aye.
9 I think it's an appropriate time to break
10 for the lunch break and we will return at 1:45, and if we
11 could do the remaining items, it would be appreciated.
12 So we stand in recess for the lunch break
13 until 1:45.
14 (Lunch recess taken)
15 CHAIRMAN EATON: Welcome back, everyone, to
16 the 22nd of March's California Integrated Waste Management
17 Board meeting.
18 Members, Mr. Jones, any ex parte
19 communications to report during the lunch hour?
20 BOARD MEMBER JONES: No.
21 CHAIRMAN EATON: Ms. Moulton-Patterson.
22 BOARD MEMBER MOULTON-PATTERSON: No.
23 BOARD MEMBER ROBERTI: No ex partes.
24 CHAIRMAN EATON: I just had one in jest
25 with John Davies regarding the Mojave grasscycling

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1 program.

2 Next item up to begin right back is Item
3 Number 25. Mr. Schiavo.

4 MR. SCHIAVO: Item 25 is consideration of
5 staff recommendation to correct the base year for the
6 previously approved Source Reduction and Recycling Element
7 and consideration of staff recommendation of the 1997-1998
8 biennial review findings for the Source Reduction and
9 Recycling Element and Household Hazardous Waste Element
10 for the City of Lancaster in Los Angeles County, and Chris
11 Schmidle will be making this presentation.

12 MR. SCHMIDLE: Good afternoon, Chairman
13 Eaton and Members.

14 The City of Lancaster requests to correct
15 its 1990 base year generation number using a
16 Board-approved method known as the LA Fix. The City took
17 the average share of three factors -- population,
18 employment and taxable sales -- and applied it to the
19 allocated tonnage in 1990 for Los Angeles County to count
20 the uncounted self-haul disposal. The additional
21 disposal tonnage the City will get in the LA Fix is
22 50,746 tons, and the City of Lancaster considers this
23 corrected base year to be more accurate.

24 A representative from the City has
25 completed and signed the Board's base year modification

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1 certification and request form. Board staff believes the
2 request has been adequately documented. Therefore, Board
3 staff recommends the request for new base year be
4 approved. Staff also recommends that the Board accept the
5 findings for the 1997 and 1998 biennial review. Are there
6 any questions?

7 CHAIRMAN EATON: Any questions of staff?

8 BOARD MEMBER JONES: Mr. Chairman.

9 CHAIRMAN EATON: Mr. Jones.

10 BOARD MEMBER JONES: In doing my math, when
11 you take out the industrial waste here it's only 4.8
12 pounds per person per day, which is pretty much what it's
13 supposed to be. So I'll move adoption of Resolution
14 2000-93 approving the staff recommendation to correct the
15 base year for the previously approved SRRE and
16 consideration of staff recommendation on the 97-98
17 biennial review findings for the Source Reduction and
18 Recycling Element and Household Hazardous Waste Element
19 for the City of Lancaster.

20 CHAIRMAN EATON: I'll second the motion.

21 Mr. Jones moves and Mr. Eaton seconds that
22 we adopt Resolution 2000-93.

23 Madam Secretary, please call the roll.

24 BOARD SECRETARY: Board Members Jones.

25 BOARD MEMBER JONES: Aye.

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1 BOARD SECRETARY: Roberti.

2 BOARD MEMBER ROBERTI: Aye.

3 BOARD SECRETARY: Moulton-Patterson.

4 BOARD MEMBER MOULTON-PATTERSON: Aye.

5 BOARD SECRETARY: Chairman Eaton.

6 CHAIRMAN EATON: Aye.

7 Item Number 26. It's the sun. I'm not

8 used to it.

9 MR. SCHIAVO: Item Number 26 is
10 consideration of staff recommendation to correct a
11 previously approved base year correction for the
12 previously approved Source Reduction and Recycling Element
13 for the unincorporated area of Los Angeles, and Chris will
14 be making this presentation as well.

15 MR. SCHMIDLE: Mr. Chairman and Board
16 Members, the unincorporated area of Los Angeles County is
17 requesting an additional correction to their 1990 base
18 year number. Previously the Board approved a base year
19 correction at its November 1998 board meeting, and this is
20 the same time you approved the so-called LA Fix correction
21 for missing self-haul tonnage in Los Angeles County.

22 At the time the Board approved using three
23 factors to estimate missing self-haul tonnage. However,
24 the County -- at the time, the County took only the most
25 conservative factor, taxable sales, to estimate their

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1 share of self-haul.

2 In its 1998 annual report, the County
3 requested it now be allowed to use the average of all the
4 three factors -- population, employment, and taxable
5 sales -- similar to the situation that the other cities in
6 Los Angeles County have already taken. The additional
7 disposal tonnage the County is requesting via the LA Fix
8 is 188,702 tons.

9 A representative from the County has
10 completed and signed the Board's modification request
11 certificate verifying the information provided to support
12 this request. Board staff believes the request has been
13 adequately documented. Therefore, staff recommends the
14 base year correction be approved. Any questions?

15 CHAIRMAN EATON: Any questions of staff?

16 BOARD MEMBER MOULTON-PATTERSON: Mr. Chair.

17 CHAIRMAN EATON: Ms. Moulton-Patterson.

18 BOARD MEMBER MOULTON-PATTERSON: I move
19 that we approve Resolution 2000-40 to correct a previously
20 approved base year correction for the previously approved
21 Source Reduction and Recycling Element for the
22 unincorporated area of Los Angeles County.

23 BOARD MEMBER JONES: Second.

24 CHAIRMAN EATON: All right.

25 Ms. Moulton-Patterson moves and Mr. Jones

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1 seconds that we adopt Resolution 2000-40 as it relates to
2 the staff recommendation to correct a previously approved
3 base year for the unincorporated area of Los Angeles
4 County.

5 Without objection, substitute the previous
6 roll call. Hearing no objection, so shall be ordered.

7 Item Number 27. This may be one of those
8 areas where we want an acronym so we don't have to read
9 the titles of these, Mr. Schiavo. Item 27.

10 MR. SCHIAVO: Consideration of staff
11 recommendation to correct the previously approved Source
12 Reduction and Recycling Element and consideration of the
13 1997-98 biennial review findings for the Source Reduction
14 and Recycling Element and Household Hazardous Waste
15 Element for the City of Barstow, San Bernardino County,
16 and Keir Furey will be making this presentation.

17 MR. FUREY: Good afternoon, Chairman Eaton
18 and Board Members. Again, I'm Keir Furey with the Office
19 of Local Assistance, central section. Item Number 27 is
20 the City of Barstow's proposal to correct the base year
21 disposal for the previously approved Source Reduction and
22 Recycling Element or SRRE. The City of Barstow believes
23 that they mis-estimated 1990 disposal tonnage in their
24 original SRRE and have proposed to replace disposal
25 tonnage from their SRRE with the Board of Equalization,

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1 BOE, tonnage, aggregating disposal tonnage in the SRRE for
2 all the jurisdictions in the desert-mountain region and
3 comparing them to the aggregate Board of Equalization tons
4 for all the landfills in the same desert-mountain region.
5 Daily tons are larger by approximately 120,000 tons.
6 Barstow will be assigned a portion of this larger amount
7 by using its percentage of the original SRRE tons for the
8 desert and mountain region.

9 Staff agrees with this method. That
10 concludes my presentation. Representatives for the City
11 and their consultant are present. Do you have any
12 questions?

13 CHAIRMAN EATON: Any questions of staff?

14 BOARD MEMBER JONES: Mr. Chairman.

15 CHAIRMAN EATON: Mr. Jones.

16 BOARD MEMBER JONES: I would like to move
17 adoption of Resolution 2000-144 agreeing with the staff
18 recommendation to approve the base year for the previously
19 approved SRRE and consideration of the 97-98 biennial
20 review findings for the Source Reduction and Recycling
21 Element and Household Hazardous Waste Element for the City
22 of Barstow in San Bernardino County.

23 CHAIRMAN EATON: And I'll second the
24 motion.

25 Mr. Jones moves and Mr. Eaton seconds that

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1 we adopt Resolution 2000-144.

2 Without objection, we'll substitute the
3 previous roll call. Hearing no objection, so shall be
4 ordered.

5 Next item, Number 28.

6 MR. SCHIAVO: Item 28 is consideration of
7 staff recommendation to change the base year to 1998 for
8 the previously approved Source Reduction and Recycling
9 Element and consideration of staff recommendation on the
10 1997-98 biennial review findings for the Source Reduction
11 and Recycling Element and Household Hazardous Waste
12 Element for the City of Long Beach, Los Angeles County,
13 and Chris Schmidle will be making this presentation.

14 MR. SCHMIDLE: Chairman Eaton and Board
15 Members, the City of Long Beach is requesting a change of
16 their base year from 1990 to 1998 and also that the Board
17 accept the findings for their biennial review for
18 1997-1998. To estimate their new 1998 base year, the City
19 chose to do a generation-based study. They used disposal
20 data from the Disposal Reporting System and collected
21 diversion information from ash diversion, curbside
22 recycling, grasscycling in city parks, composting, street
23 sweepings, city hall paper recycling, landfill salvage,
24 private hauler recycling, alternative daily cover waste
25 recycling, tire retreads and wood and metal recycling.

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1 There is no extrapolation of the data performed.

2 The City considers the 1998 data to be more
3 accurate than the 1990 numbers. A representative has
4 completed and signed the base year modification request
5 certification form verifying the information provided to
6 support this request.

7 Board staff believes the request has been
8 adequately documented. Therefore, staff recommends the
9 request for a new base year. Board staff also recommends
10 that the Board accept the biennial review findings for
11 1997 and 1998. Are there any questions?

12 CHAIRMAN EATON: Any questions of staff?

13 BOARD MEMBER ROBERTI: Mr. Chairman.

14 CHAIRMAN EATON: Senator Roberti.

15 BOARD MEMBER ROBERTI: I'm not entirely
16 convinced that Long Beach is entitled to credit for the
17 alternative daily cover that they get from the incinerator
18 which is fed by other jurisdictions. Does this include
19 full credit for that ash that's generated?

20 MR. SCHMIDLE: I believe there is credit
21 for the ash because the ash is used as road base material
22 at the landfills.

23 BOARD MEMBER ROBERTI: That means no other
24 city gets credit for that.

25 MR. SCHMIDLE: As I understand it, no.

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1 BOARD MEMBER ROBERTI: Absent some more
2 illlucidation to me and why it happens and why it's not
3 fair to feeder cities, I personally am not prepared to
4 vote for this today.

5 I think a much more equitable solution
6 would be to somehow split the difference because what
7 we're doing here is giving Long Beach credit for all the
8 trash that is generated in another city, and I grant that
9 there is a transformation that takes place in Long Beach,
10 which should entitle them to something, but I don't think
11 that transformation as such entitles them to everything
12 because then the other cities are stuck with all the waste
13 generation and, in effect, very little methodology on how
14 to divert that generation themselves other than to give
15 Long Beach the credit.

16 So -- and I feel that absent any regulation
17 to the contrary or statute to the contrary, which I would

18 have to adhere to, I think that the methodology in this
19 item totally bends on the side of the host city of the
20 incinerator and not the generating city of the waste. So
21 I guess what I would like to hear before I vote on
22 something like this myself is to sort of have a little
23 debate between Long Beach and the other cities, Lakewood,
24 so they can sort of hash it out, both sides presenting

25 their arguments to us at the same time so that I can for

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1 my own vote make a decision as to who is right.

2 Right now my prejudice would be that we
3 split the difference. I could be dead wrong, but every
4 time we've heard this issue it's either been Long Beach
5 presenting its case or Lakewood presenting its case, and
6 I've never heard them both debate-style presenting it pros
7 and cons against each other and frankly, we can't vote on
8 one city's interests without affecting the other city's
9 interests.

10 I think the only way I can vote on this
11 intelligently is to have them both presenting the case
12 before me, speaking only for myself, and if I'm not given
13 that option, I'm thinking just arguendo, then probably the
14 best thing would be to come up with some formula that
15 mixes it more than what the staff recommendation has done.

16 That's only my thought and what I think is
17 equitable. I certainly want to hear them both talking at
18 the same time so nobody is saying something different to
19 the Members, putting their best foot forward without the
20 capital argument.

21 BOARD MEMBER JONES: Mr. Chairman.

22 CHAIRMAN EATON: Mr. Jones.

23 BOARD MEMBER JONES: I understand the
24 dilemma that all the Board Members are in because the
25 arguments City of Lakewood continually makes. If you want

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1 to hear a debate, that's good, but if we look at the law,
2 AB 939 in statute, and go to Article 2 on the waste
3 characterization component and you look at 41030, it
4 clearly states that the city's waste characterization
5 component shall identify the constituent material which
6 comprises the solid waste generated within that city.
7 Now, that's been supported continually.

8 If you look at a staff item, an approved
9 SRRE from -- if you look at a staff item from 1994 that
10 was approved by this Board, consideration of a staff
11 recommendation for the adequacy of the Source Reduction
12 and Recycling Element for the City of Commerce, which also
13 hosts a -- which also hosts a waste-to-energy plant, the
14 disposal tonnage was ordered by this Board -- it says all
15 the ash generated by Commerce refuse-to-energy facility
16 should be included in the city's waste generation because
17 that facility is located within the city.

18 Staff added 20,192 tons of disposal to the
19 base year for the City of Commerce. So the City of
20 Commerce which hosted a waste-to-energy facility in 1994
21 had to take that as disposal. The City of Long Beach was
22 order by this Board to take 151,200 tons of ash as
23 disposal. So the benefit to a generating city is the
24 policy which has been in place in this Board by its action
25 since 1989 when this law was put into place and always

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1 says that it's the city that the material was generated
2 in.

3 Unlike a MRF located regionally where
4 materials are collected, brought to the MRF, segregated
5 and then assigned to that jurisdiction, this is a material
6 that comes in for disposal and the residual of that
7 transformation process is assigned to that city and it's
8 up to that city, that host city, to determine where it's
9 going to go. Now had they not been able to recycle that
10 ash, City of Long Beach would have been tagged with
11 151,000 tons of disposal and City of Commerce would have
12 been assigned with whatever their tonnages were, probably
13 very similar, would have been assigned to them.

14 So it's almost like we're penalizing a
15 jurisdiction for having the resources to recycle, and I
16 don't think that's the intent.

17 BOARD MEMBER ROBERTI: That's -- that's
18 not my intent, and as you heard, what I'm saying is I
19 would like to hear both jurisdictions argue this out.

20 BOARD MEMBER JONES: But they would be
21 arguing.

22 BOARD MEMBER ROBERTI: As advocates. What
23 I am saying at first blush, not saying this is my position
24 necessarily, at first blush it strikes me that we're not
25 really asking Long Beach to take too much as waste

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1 generation because with alternative daily cover being such
2 as it is, I mean, it's an automatic. They're able to
3 dispose of that ash as alternative daily cover at whatever
4 landfills they choose to send their ash to.

5 So there's really no -- it doesn't appear
6 that there's any onus on them at all except to get the
7 benefit of some other city's trash generation. That's
8 giving you the devil's argument. Not saying it's my
9 argument, but I would like to hear what Lakewood has to
10 say at the same time Long Beach would make this proposal.

11 BOARD MEMBER JONES: I understand. The one
12 thing, though, is that -- I mean, I guess it's just my
13 view, is that both jurisdictions can argue all they want.
14 The statute in my mind is clear and the treatment of that
15 statute by this Board has been clear since 1991, and to
16 change that in midstream, I don't know if it flies in the
17 face of the statute, but I also think that obviously we've
18 had lots of discussions with City of Lakewood.

19 I think it's pretty critical to look at
20 what that ash diversion means for the City of Long Beach
21 because since 1991, every year the City of Long Beach
22 actually has five pages of programs, similar to what we
23 see in Santa Clarita here, programs to divert the
24 remaining wastestream, and unless things have changed
25 drastically since the last time Lakewood -- although, they

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1 don't talk to me anymore, but since the last time Lakewood
2 came in, you can just about get all of their programs on
3 half of this piece of paper. To give them diversion
4 credit when they wouldn't have taken the disposal side of
5 it because that was on the City of Long Beach just doesn't
6 make a lot of sense to me. AB 939 compliance is not just
7 about the numbers, it's about the programs.

8 BOARD MEMBER ROBERTI: I absolutely agree
9 with you. However, Lakewood's enthusiasm for waste
10 diversion programs isn't really the point in question.
11 The point in question is credit for diversion. I will
12 agree with you a hundred -- well, almost a hundred
13 percent, that Lakewood is not one of our more enthusiastic
14 jurisdictions and I've said so whenever I've made a speech
15 that even despite my vote, sole member of the Board that
16 voted for Lakewood, but I think the issue here is the
17 formulation on who gets credit on waste generation, who is
18 stuck with waste generation, who gets credit on diversion.

19 I don't think the statute is frankly all
20 that clear. I certainly would like to hear the lawyers
21 argue it because -- which even I mean by generation is not
22 all that clear. I grant that Commerce precedence would
23 weigh in favor of your interpretation, but I don't know to
24 what extent we can be bound by that.

25 BOARD MEMBER JONES: Actually it was

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1 Commerce City by action of this Board, City of Long Beach
2 by the action of this Board, and the County of Stanislaus.
3 That's my only caution is that those are long-standing
4 actions of this Board that precede all of us that we're
5 talking about.

6 BOARD MEMBER ROBERTI: Somehow Long Beach
7 is trying -- when a jurisdiction tries to ask for a base
8 year adjustment, they obviously are asking for something
9 which they didn't get previously. So I don't think it's
10 absolutely clear that the Board's interpretation was all
11 that clear or that Long Beach thought they were getting an
12 advantage from it because now they're asking for an
13 adjustment based on what appears to be counting
14 alternative daily cover, something which they didn't
15 appear for whatever reasons, I don't know, to have counted
16 in their original base year request. So --

17 BOARD MEMBER JONES: Their original request
18 had it as disposal, 151,000 tons. So they would have
19 gotten the diversion credit irregardless just by AB 939,
20 but I'm thinking that the City of Long Beach is -- well,
21 I'll let them talk. I thought this had to do with more
22 than just the ash issue. I thought it had to do with
23 capturing more quantifiable numbers with the 1998 waste
24 generation.

25 BOARD MEMBER ROBERTI: My question is

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1 narrow on who gets to count the ash. I don't think I
2 have a problem with the other aspects of Long Beach's
3 request.

4 CHAIRMAN EATON: Okay. I have a couple of
5 public speaker slips. I have City of Commerce, Doris
6 Powell, and I have Thomas Coates, City of Lakewood.

7 MS. POWELL: Thank you, Chairman Eaton. My
8 name is Doris Powell. I represent the City of Commerce.

9 I'm here today to support the Board's
10 previous decisions on the policy of who gets the credit
11 for ash diversion from the refuse-to-energy facilities.
12 Originally in our Source Reduction and Recycling Element,
13 the City of Commerce did not receive full credit or
14 responsibility for all of the ash that was produced at our
15 refuse-to-energy facility, and in 1995, our 1995 annual
16 report, I requested a change in our base year disposal
17 amount to represent that full amount.

18 BOARD MEMBER ROBERTI: Why didn't Commerce
19 get full credit? Was that pursuant to a Board policy?

20 MS. POWELL: It was basically because
21 the -- I don't think the consultant actually knew the full
22 amount. That's the only thing I can say. At the time I
23 think that the consultant did not have the correct
24 information.

25 BOARD MEMBER ROBERTI: You -- well, if

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1 that's the case, then what Mr. Jones is saying is maybe a
2 different issue.

3 If what the Board was presented with was
4 simply that Commerce didn't give us the full amount, we
5 weren't making a policy decision on alternative daily
6 cover, we were just probably making a policy based on
7 proper numbers. If we were making a policy decision on
8 alternative daily cover, what you're saying is the Board
9 changed its position. So obviously if the Board changed
10 its position once on precedent, what's to prevent us from
11 doing it again based on what's equitable? If it's based
12 on numbers, then that's something we always do when the
13 numbers aren't there.

14 MS. POWELL: Basically the ash is not
15 considered alternative daily cover. It's used as road
16 base material at the landfill.

17 BOARD MEMBER ROBERTI: You lost me on that.

18 MS. POWELL: Since 1991, the City of
19 Commerce, along with the sanitation districts, built a
20 treatment facility at the back end of our refuse-to-energy
21 facility at a cost of about \$5 million. That facility
22 takes the ash from the facility, mixes it with a concrete,
23 allows it to dry to a certain amount, extent. They take
24 the slabs to the landfill and it's run over and used as
25 road base at the landfill. It's not alternative daily

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1 cover material.

2 BOARD MEMBER ROBERTI: But to the extent
3 they can count it as diversion is because it falls into --
4 it's an alternative; is that right?

5 MS. POWELL: No.

6 BOARD MEMBER ROBERTI: No?

7 MS. POWELL: As far as I know, no.

8 BOARD MEMBER ROBERTI: If it's not counted
9 as alternative daily cover, then it's not counted as
10 diversion --

11 CHAIRMAN EATON: I perhaps can help a
12 little bit with the alternative daily cover since I had a
13 small thing to do. The alternative daily cover law that
14 came in, the cover was actually for the municipal solid
15 waste items for vector control and what have you. There
16 were other kinds of diversion credit contained in there if
17 you utilized other kinds of products within a particular
18 footprint for construction of roads and those other kinds
19 of quote, unquote, beneficial uses. The definition of
20 daily alternative cover was really for the covering of the
21 material, and the diversion credit that could come along
22 was based upon beneficial uses, one of which was defined
23 as alternative daily cover for covering, but there were
24 other kinds. I don't know if that helps you. It's more
25 semantics in terms of the diversion credit that was given.

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1 BOARD MEMBER ROBERTI: But whatever, it was
2 an aspect of diversion credit.

3 BOARD MEMBER JONES: They're using it to
4 build their roads which if they got rubble from a C&D
5 site --

6 BOARD MEMBER ROBERTI: Clearly it was not
7 alternative daily cover.

8 CHAIRMAN EATON: It's a beneficial use.

9 BOARD MEMBER JONES: We're not in --

10 BOARD MEMBER ROBERTI: Yeah.

11 BOARD MEMBER JONES: We're not contrary
12 between this witness and I because this was Board staff
13 saying you have to take this as disposal.

14 BOARD MEMBER ROBERTI: I understand. It's
15 a beneficial use.

16 MS. POWELL: We were required to take all
17 of the ash as disposal in our base year because at that
18 time we're not recycling ash. When our facility came
19 online in 1991, we were essentially turning it into a
20 beneficial use product and, therefore, receiving -- once
21 we changed systems we were receiving it as credit for
22 diversion and then the Board approved the 1996 annual
23 report. The City of Commerce received 100 percent credit
24 for the diversion of the ash, and subsequently we have
25 put in the ash as a diversion material. It -- as a

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1 component of our overall diversion is only 20 percent of
2 our total diversion.

3 The City of Commerce has a myriad of other
4 programs that -- from curbside recycling all the way to
5 business recycling that make up 80 percent of our total
6 diversion. So we're not relying on this to push us over
7 the top. And our numbers, we were one of 15 cities in
8 L.A. County to meet the first goal, which was 25 percent
9 in 1995. In this year we're at 50 percent for our 1998
10 annual report and it doesn't rely on ash to get us there.
11 That's only 20 percent of our overall programs. We have a
12 myriad of other programs, but we feel that since the
13 transformation process takes place in the City of Commerce
14 that residual ash is the responsibility of the City of
15 Commerce as Board policy dictates. We went ahead and
16 built the facility at a cost to the City of Commerce and
17 we are responsible for that material.

18 BOARD MEMBER ROBERTI: When did you build
19 the facility?

20 MS. POWELL: 1991 we started recycling ash
21 and that was before any decisions by the Board.

22 BOARD MEMBER ROBERTI: I don't think you
23 built the facility in reliance on --

24 MS. POWELL: We were diverting the material
25 in 1991. We built the facility prior to 1995.

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1 BOARD MEMBER ROBERTI: Right. But I'm
2 saying the facility was not built.

3 MS. POWELL: The ash treatment facility.
4 The refuse-to-energy facility was online in 1985.

5 BOARD MEMBER ROBERTI: Your refuse-to --
6 okay. I think -- I appreciate what you're saying.
7 You're an advocate for your city, which I appreciate as
8 well, but I don't think with any detrimental reliance or
9 any actions that Commerce took based on Board rules that
10 may have been made subsequent to your building either of
11 your facilities.

12 MS. POWELL: I'm not sure I understand.

13 BOARD MEMBER ROBERTI: I don't think from
14 what the testimony you've come to bring here that the City
15 of Commerce relied upon a Board regulation in the
16 construction of either this incinerator or its ash
17 treatment facility. I assume you have an ash treatment
18 facility.

19 MS. POWELL: Yes, we do. That's the one I
20 was discussing.

21 BOARD MEMBER ROBERTI: I think our
22 regulations in this area came after construction of the
23 incinerator or after --

24 MS. POWELL: Right.

25 BOARD MEMBER ROBERTI: -- construction of

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1 the ash treatment facility.

2 MS. POWELL: But the precedents were set at
3 the October 21st Board meeting, 1997, when the Board
4 approved the change of our base year.

5 BOARD MEMBER ROBERTI: I totally
6 understand. I appreciate that. I appreciate that.

7 MS. POWELL: We, the City of Commerce,
8 because we are responsible for the facility, we are the
9 host jurisdiction, feel that we should also receive 100
10 percent diversion credit for that ash.

11 BOARD MEMBER ROBERTI: If I could ask staff
12 or other members on other beneficial uses, and what I sort
13 of had in my mind as to what a beneficial use is when you
14 use a product and it sort of disappears, like
15 waste-to-energy or, I guess, road base.

16 CHAIRMAN EATON: Converting it into a
17 different kind of product.

18 BOARD MEMBER ROBERTI: As opposed to
19 recycling or of that nature and other kinds of beneficial
20 uses that we can think of, is the total diversion credit
21 given to the host city.

22 CHAIRMAN EATON: Let me ask a question. I
23 think I know what's -- I can't read your mind, but I
24 think one of the things that troubled me early on, if --
25 and this probably should be directed to staff because

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1 they're the ones that look at this, and others can feel
2 free.

3 If there are 100 tons of a material,
4 forget -- and it goes to a facility either in Commerce or
5 Long Beach, and let's say for purposes of just this
6 hypothetical that this 100 tons comes from the City of
7 Jonesville -- I didn't say Jonestown, Jonesville -- and
8 goes into Roberti Land, does the 100 tons get charged to
9 the disposal of Jonestown which originally generated -- I
10 think that's where you want to go first, that basic
11 comment -- or are they relieved of that 100 tons by virtue
12 of the fact that they have now put that 100 tons to
13 Robertiville and it now becomes Robertiville's burden to
14 either accept the 100 tons as a burden or to try to do
15 something to get benefit. I think that's where you're
16 trying to go. You're trying to find out wait a minute, if
17 the original jurisdiction that's generating it is charged
18 with disposal, and the other jurisdiction, Long Beach or
19 Commerce, is also charged with disposal, it's really two
20 counts of the same. And if that's the case, then why
21 aren't both getting diversion. I think that's the issue.

22 BOARD MEMBER ROBERTI: You're hitting a
23 major issue here.

24 BOARD MEMBER JONES: Can I just add to that
25 a second before staff does? The way I understand it is

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1 that 100 tons goes from Jonesville to the Roberti
2 waste-to-energy facility. I get charged the 100 tons.
3 You, though, get charged for the 30 tons residual ash. I
4 don't get charged for 130 tons. I get charged for 100
5 tons, but in effect, after the transformation there is now
6 a generated wastestream of 30 tons which doesn't get
7 charged back to Jonesville. You get to keep it. So all I
8 got charged with was my original 100, but if you generated
9 10,000 tons, you got the 10,000 that you went through your
10 incinerator and the 30 plus the ash from that 10,000 which
11 would be 3,000, plus the 30 from me. That's your new
12 disposal.

13 BOARD MEMBER ROBERTI: You mean a
14 generating city, Jonesville.

15 BOARD MEMBER JONES: No. You're the host
16 city so you would have --

17 CHAIRMAN EATON: I put you as the host
18 unfortunately.

19 BOARD MEMBER JONES: So I get credit with
20 the 100 that I deliver to you, but you get credited with
21 whatever you brought in plus the ash that was generated in
22 that facility.

23 BOARD MEMBER ROBERTI: Right.

24 BOARD MEMBER JONES: So you get charged for
25 that 10,000 tons that you brought in.

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1 BOARD MEMBER ROBERTI: Right.

2 BOARD MEMBER JONES: 13,000 tons plus my
3 30. Now it's up to you to figure out a way to recycle it
4 because you ain't charging it back to me or you haven't.

5 CHAIRMAN EATON: Staff may want -- I think
6 they have at least a framework.

7 BOARD MEMBER ROBERTI: We've got some
8 framework here.

9 MR. SCHIAVO: The 100 tons in the first
10 example is generated in the township in Jonesville and
11 according to the statute, 47181, the amount of material
12 generated within that particular jurisdiction would
13 receive that disposal amount.

14 BOARD MEMBER ROBERTI: Right.

15 MR. SCHIAVO: And that's how it's treated
16 right now. There's another statute, and I could be
17 corrected on this by Elliott. 40192 talks in terms of
18 transformation is considered disposal in the system by
19 law. When that material goes forward, the 100 tons, that
20 is considered disposal and -- okay? Part of what's at
21 issue here is that Robertville or --

22 BOARD MEMBER ROBERTI: Waste-to-energy
23 town.

24 MR. SCHIAVO: At this time you're taking
25 the responsibility and you're taking the action to divert

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1 the material plus you get the generation for that extra
2 amount. So that's taken care of there. What the people
3 from Jonesville want to do is take that 30 tons that's
4 being diverted, subtract it off of the 100 tons that's
5 first going to your door and convey that it's only 70 tons
6 of disposal. And there's an issue there with not being
7 consistent with the law.

8 CHAIRMAN EATON: So is each being charged
9 with 100?

10 MR. SCHIAVO: No. He's charged with 100
11 tons of disposal because that's a disposal facility and
12 it's generated within Jonesville and Robertiville takes
13 the residual amount that's generated within Robertiville.

14 BOARD MEMBER ROBERTI: As I understand it,
15 the only law directly on point with numbers is the law
16 that says that the generating city, in this case
17 Jonesville, only gets 10 percent diversion credit. Are
18 there any other numbers lost? Do you understand what I
19 mean?

20 MR. SCHIAVO: That's for the goal year and
21 it's 10 percent of the amount.

22 BOARD MEMBER ROBERTI: For the year 2000.

23 MR. SCHIAVO: For the year 2000. Elliott.

24 MR. BLOCK: Elliott Block from the Legal
25 Office. In terms of exactly what counts in the scenario

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1 that you have just gone through, there's one statute
2 specifically that talks about how waste sent to a
3 transformation facility gets counted, and then what staff
4 has done in terms of analyzing the ash that's left over
5 and how that gets counted, that part of the equation is
6 not controlled by the 10 percent rule. It's just looking
7 back at the standard statutes that talk about waste
8 generated within the jurisdiction, essentially that ash is
9 treated as a new waste. It's already been accounted for
10 in the system because it's counted as disposal for the
11 generating jurisdiction and potentially at some level of
12 diversion for the year 2000. So it's now essentially a
13 new number on the equation that's within the control of
14 the host jurisdiction.

15 BOARD MEMBER ROBERTI: Host jurisdiction
16 count it as a hundred as well?

17 MR. BLOCK: In the scenario you're using
18 I'm not sure what the 100 would be. They would be the
19 30 -- it's a round number about what the residual usually
20 amounts to. The 30 tons is what is then the
21 responsibility of the host jurisdiction.

22 BOARD MEMBER ROBERTI: What's their number
23 on waste generation?

24 MR. BLOCK: Whose number on waste
25 generation?

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1 BOARD MEMBER ROBERTI: The host.

2 MR. BLOCK: From that particular example,
3 30.

4 BOARD MEMBER ROBERTI: That's what causes
5 me a problem.

6 CHAIRMAN EATON: I think the way the
7 statute -- the balancing of interests that were set up was
8 the fact that under the statutory scheme, Jonesville as
9 the generator received at a certain point in time, in this
10 year 2000, I think under the statute, an overall 10
11 percent credit; is that correct?

12 MR. BLOCK: Correct.

13 BOARD MEMBER ROBERTI: Diversion.

14 CHAIRMAN EATON: So that would be
15 Jonesville. But in Robertiville, they do not get that 10
16 percent credit or do they?

17 MR. BLOCK: Robertiville doesn't get the 10
18 percent. The 10 percent relates to --

19 CHAIRMAN EATON: So it's a game of -- in
20 other words, for the generator, it gets 10 percent over
21 the course of time, then as part of the transformation
22 process, and I use that word loosely, that the way the
23 scheme has that is because they have a certain amount of
24 generation that is not charged to Jonesville, that the
25 benefit of the policy is they get the diversion credit on

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1 a regular basis or basis as they do it. I think that's
2 how -- I'm just trying to set it up. That's not a value
3 judgement but just sort of how --

4 BOARD MEMBER ROBERTI: I can see the --

5 CHAIRMAN EATON: That's the --

6 BOARD MEMBER ROBERTI: -- entire diversion
7 credit going to the host city, in this case Robertiville,
8 if they at the same time are being charged with having all
9 the waste generation. I think that's what the statute
10 contemplates, devil's advocate, and that is that when all
11 the waste generated is charged to a city, then they should
12 get the entire diversion credit of what they divert. That
13 makes eminent good sense, but in this case Robertiville,
14 or Long Beach, isn't being charged with all the waste
15 generation and, therefore, if you move back one step,
16 who's being charged? Is Jonesville or Lakewood?

17 I'm talking about waste generation. I'm
18 not talking about the statutory specifics of diversion,
19 but Robertiville or Long Beach in this case is getting
20 credit for diversion as if they were being charged for
21 100 percent of the waste generation. Now, I'm just
22 arguing. I'm thinking out loud.

23 I'm not Lakewood's attorney or Jonesville's
24 attorney, and I think that's why I would like to hear the
25 back and forth on this because it is a fairly complex

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1 argument which I don't know if we visit in any other
2 situation on this Board.

3 MR. BLOCK: Just to try to clarify to make
4 sure that I understood what you're saying in the example
5 of what's being used, Jonesville and Robertiville example,
6 Robertiville -- the generation that's being added then is
7 the 30 tons, not the full 100 tons. What they are
8 potentially diverting is up to the 30 tons that they're
9 being charged. They're not getting anything else.

10 BOARD MEMBER ROBERTI: If you move that one
11 step back, Jonesville or Lakewood is being charged with a
12 hundred percent of the waste generation.

13 MR. BLOCK: Because statute requires that.

14 BOARD MEMBER ROBERTI: Because statute
15 requires that.

16 MR. SCHIAVO: I'd like to add in --

17 BOARD MEMBER ROBERTI: But statute doesn't
18 require the second part of the scenario, and that is what
19 Lakewood is being charged for their generation.

20 MR. BLOCK: I think that's the way the
21 regulations have been promulgated and the decisions that
22 have been made --

23 BOARD MEMBER ROBERTI: I don't know if
24 that's the case because the young woman who testified for
25 Long Beach seemed to indicate to me that this Board has

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1 gone through a series of gyrations, policy changes, on
2 this matter.

3 MR. SCHIAVO: There was -- I would like to
4 clarify another piece --

5 BOARD MEMBER ROBERTI: Let me just finish
6 because I want you to respond to this.

7 MR. SCHIAVO: Sure.

8 BOARD MEMBER ROBERTI: It's not as if we
9 set a policy and everybody falls into line because we've
10 got to set a policy to do something at some point. We
11 have set a policy and changed it back and forth, it
12 appears.

13 MR. BLOCK: Before Pat answers, I do feel
14 the need to say that I think that the actions that we have
15 been discussing in terms of agenda items that the Board
16 has decided, I would just like for the record to say I
17 wouldn't quite characterize them as policies per se. I
18 believe they are simply implementing existing statutes and
19 the regs the Board has had on the books. As staff counsel
20 for the Board I would want to be careful.

21 BOARD MEMBER ROBERTI: It appears that we
22 have interpreted the regs differently at different
23 meetings.

24 MR. BLOCK: I would let Pat respond to
25 that. I don't believe that's the case.

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1 BOARD MEMBER ROBERTI: I'm just saying that
2 based on what I've heard today.

3 MR. SCHIAVO: There's two things. I'll try
4 to answer the latter question regarding Commerce first.
5 Regarding the 20,000 tons I believe that was referred to
6 earlier, that was like a typical process we go through
7 when people are correcting their base years and there was
8 an amount of tonnage that was considered disposal -- in
9 the generation study that was originally omitted, so when
10 the consultant went in and did the original base year like
11 we've seen on 130 other base years, that 20,000 was
12 omission. They just did not discover it. It was not the
13 result of a policy change. Okay? Does that --

14 BOARD MEMBER ROBERTI: Then it was a
15 numbers question.

16 MR. SCHIAVO: Right. Okay. And the first
17 question, the missing element when we're talking about who
18 gets generation is the host jurisdiction would get the 30
19 tons, Robertiville, from the Jonesville jurisdiction plus
20 they have their own generation within their boundaries.
21 So let's say it's 200 tons within, there's 230 tons.

22 BOARD MEMBER JONES: To
23 Robertiville.

24 MR. SCHIAVO: Robertiville. So they have
25 their own tonnage of generation to contend with plus they

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1 have this ash. The alternative to the ash is what they
2 can choose to divert it or there's that disposal option,
3 and it's their responsibility to choose which option they
4 choose on that.

5 CHAIRMAN EATON: Is that extra 30 then,
6 that's not charged to Jonesville. So it's not 130.

7 MR. SCHIAVO: No.

8 CHAIRMAN EATON: And that's where the
9 equity issue, fairness issue comes in, because they're on
10 the hundred -- as I understand it they get the 10, but
11 they're not charged --

12 BOARD MEMBER ROBERTI: Statute which is
13 nothing.

14 CHAIRMAN EATON: I'm not going into
15 statutes, but I'm trying to figure out the mechanism here
16 and then the lawyers and regulation guys can argue the
17 statute. I'm just trying to figure out what I understand
18 to be the structural aspect and the scheme that's set up
19 to get the balancing of equity and they get the 10 percent
20 credit, but the other jurisdiction is based upon the 30
21 that's generated from the 100 even though they don't get
22 charged with the 100. As such, Jonesville is then asking
23 that even though they're not charged with the 30 off the
24 original 100, they still want the diversion credit for the
25 30 that they are not responsible for in generation. So

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1 it's kind of the reverse argument that you're talking
2 about in the sense that there's both of these inequities
3 on each side. Both are reaching over, quite frankly, as
4 I'm seeing now as we're playing it out here, to reach into
5 each other's little pocket of diversion credit.

6 BOARD MEMBER ROBERTI: That's what it sort
7 of appears to be.

8 CHAIRMAN EATON: With one getting it in a
9 10 percent mechanism over here and the other one getting
10 it on a much more frequent basis based on 30.

11 BOARD MEMBER JONES: I don't see them
12 reaching in their hands, but I like your example. The 100
13 tons that got delivered that they're going to get 10
14 percent credit for leaves them 90; right? That they need
15 to deal with with other programs. Remember, the 100 tons
16 no longer exists. Through that process there is no longer
17 100 tons. It's become fuel in an energy facility, and as
18 a mechanism of that facility, now at the bottom of a bin
19 is 30 tons of ash and it's that 30 tons of ash that's been
20 assigned to you. The 100 tons doesn't exist anymore.

21 You're responsible to figure that out.
22 Both of these items showed that as disposal when this
23 Board approved their SRREs. They have since come back
24 and -- or not come back, have instituted programs like
25 everybody else we deal with. Somebody that was generating

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1 a million tons of waste going to a landfill now generating
2 750,000 is actually getting 25 percent.

3 What bothers me though, the 10 percent of
4 the 100, that gets them to 90 because they delivered that
5 stuff to somebody else, and that person is responsible
6 for the residual. What they want to do -- well, they
7 want the 10 percent. They also want the 30 percent. So
8 now that 100 tons is down to 60 --

9 BOARD MEMBER ROBERTI: I understand
10 that.

11 BOARD MEMBER JONES: -- and that's 40
12 percent diversion for what? Delivering waste to a
13 transformation facility?

14 BOARD MEMBER ROBERTI: I understand that is
15 what Jonesville or Lakewood is attempting to do. I don't
16 think the Board, certainly not I, have signed off on that,
17 but the converse of it is that Long Beach or Robertiville
18 is taking in 100 percent of waste but they are in effect
19 not being charged with that. They're only being charged
20 with the 30 percent of the waste which they automatically
21 have channelled off to alternative daily cover or road
22 base.

23 BOARD MEMBER JONES: Because the waste has
24 disappeared.

25 BOARD MEMBER ROBERTI: I don't know if the

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1 waste has disappeared.

2 BOARD MEMBER JONES: All except the 30.

3 BOARD MEMBER ROBERTI: I think this is the
4 only situation, I think -- I could be a hundred percent
5 wrong. I think this is the only situation where a city
6 can get almost automatic 100 percent credit because we
7 automatically by our rules reduce their waste generation
8 numbers.

9 BOARD MEMBER JONES: No. We add to their
10 waste generation number. Their waste generation for
11 Robertiville is the total tonnage generated within your
12 city limits by your residents that put it out on the curb
13 that get picked up and get delivered to your
14 waste-to-energy facility, plus the 30 tons from my
15 100-ton-a-day from my city that also gets added to your
16 waste generation.

17 CHAIRMAN EATON: I think --

18 BOARD MEMBER ROBERTI: I think what they
19 automatically generate in their own city I don't view
20 as --

21 BOARD MEMBER JONES: That's their problem.

22 BOARD MEMBER ROBERTI: That's their
23 problem.

24 BOARD MEMBER JONES: That's their problem
25 because it's there. I'm sorry, Mr. Chairman.

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1 CHAIRMAN EATON: Go ahead.

2 BOARD MEMBER JONES: But they're not only
3 dealing with the waste generated in their city, they're
4 dealing with the residual from other jurisdictions similar
5 to a waste water treatment plant.

6 BOARD MEMBER ROBERTI: Why don't we say --

7 BOARD MEMBER JONES: Because the hundred
8 tons has disappeared through transformation and what was
9 left is 30 tons.

10 BOARD MEMBER ROBERTI: Disappeared for
11 purposes of diversion of the waste generation.

12 BOARD MEMBER JONES: No, no, no. For
13 purposes of disposal.

14 BOARD MEMBER ROBERTI: For purposes of
15 disposal has disappeared, but for purposes of waste
16 generation --

17 BOARD MEMBER JONES: Now there's 30 tons
18 left.

19 BOARD MEMBER ROBERTI: They should still be
20 charged with the original hundred, it strikes me.

21 CHAIRMAN EATON: And I think --

22 BOARD MEMBER ROBERTI: Absent a
23 cross-current of debate here. Because I guess the crux of
24 what I'm trying to say is that we cannot make a decision
25 on either Commerce or Long Beach, even though we have in

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1 the past made decisions on Commerce, without discussing
2 the effect on the generating city and we cannot hear these
3 items in sequence. They have to be heard at the same
4 time.

5 CHAIRMAN EATON: I would agree with that.
6 Let me add one other component here and try to draw an
7 analogy. If Jonesville did not take it to Robertiville
8 and just say Robertiville was a landfill, Jonesville
9 under the scheme don't even get their 10 percent, but
10 that host jurisdiction, Robertiville, that the 100 tons
11 goes to landfill, they're not charged with that 100 tons
12 either. So what you're saying is by virtue of the fact
13 it's a waste-to-energy plant and not a landfill, that the
14 one who receives that material ought to be charged with
15 100 tons when we don't to do it for a landfill.

16 BOARD MEMBER ROBERTI: We don't charge.

17 CHAIRMAN EATON: In other words --

18 BOARD MEMBER ROBERTI: It's a good one, but
19 the landfill, the host city of the landfill doesn't get
20 any diversion credit either.

21 CHAIRMAN EATON: They do get diversion
22 credit if they take that material that is brought to
23 their landfill and they use it within that landfill
24 footprint for beneficial uses -- building roads,
25 alternative daily cover. I'm trying to stay away from

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1 alternative daily cover because that brings in another
2 whole slough of arguments. But the analogous situation
3 is and I think what we're trying to describe is we look
4 for consistency here in how it's applied and I think the
5 analogous situation if you took it to a landfill, that
6 landfill is not charged either. So why should
7 Robertville, by virtue of a burning landfill -- if you
8 want to go -- I hear that, it's not really. What changes
9 the transformation if it goes in the hole or burning,
10 neither of those jurisdictions are charged with the
11 generation, but under the scheme that we've developed or
12 that have developed -- that's enough disclaimers -- is
13 that by virtue of the burning aspect they get 10 percent,
14 and whatever is left over you get charged with. I think
15 that's the situation is that at least with regard to the
16 type of disposal or where it goes is not --

17 BOARD MEMBER ROBERTI: Illucidate for me.
18 If somebody transforms something to alternative daily
19 cover and that transformation to alternative daily cover
20 or road base took place outside of the jurisdiction that
21 hosts the landfill, it was manufactured somewhere else,
22 who would get the credit?

23 BOARD MEMBER JONES: If Jonesville brought
24 it to Roberti landfill?

25 BOARD MEMBER ROBERTI: Jonesville brings it

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1 to X city's landfill, X city's manufacturing plant, and
2 they improve or alter the feedstock, whatever you want to
3 call it, and then it goes to the landfill, who would get
4 credit in that case?

5 BOARD MEMBER JONES: I don't know. The way
6 I would explain it -- I think getting at what you want is
7 if I brought stuff to a landfill outside of my city and it
8 was source separated, where I delivered all kinds of green
9 waste that was later at the landfill processed and put
10 into compost and put into ADC, put into biofuel, I get the
11 credit because I'm the deliverer of that source separated
12 material, but if I brought in a commingled load that was
13 just garbage and that landfill had scavenging,
14 salvaging --

15 BOARD MEMBER ROBERTI: You go to a
16 transfer station.

17 BOARD MEMBER JONES: No, it could go to a
18 landfill. If I went to a landfill and they pulled that
19 stuff out, they may say that was from Jonesville. You
20 give them so much credit because we knew it came from them
21 or they may take the credit themselves because it was
22 their action that created that and I didn't deliver it in
23 a source separated function. Each landfill is going to
24 do it a little bit differently. Irregardless, it was an
25 action that took place or the delivery of a source

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1 separated material that took place where it could be
2 identified as who the generator of the material was.

3 In the case of me bringing it in and
4 saying dump it, throw it in the landfill, don't pull
5 anything out, I'm going to get charged for that as
6 disposal because by the statute I have to be because it's
7 generated within my city. So I think -- I like this
8 discussion because it's a good discussion about all the
9 different elements, but it's clearly, clearly the
10 generation of a product and that ash is a byproduct of
11 destroying 70 out of every 100 tons of material that
12 comes in. It no longer exists, so all they get charged
13 with is the 100 that they delivered.

14 BOARD MEMBER ROBERTI: I appreciate that.
15 Mr. Chairman, if I could bring us along a little bit.

16 CHAIRMAN EATON: Yes, sir.

17 BOARD MEMBER ROBERTI: Would it be
18 possible that we bring this item up at a subsequent and
19 not too distant in the future board meeting and that we
20 invite generator cities, by that I mean the ones where
21 the original waste was generated, who deal with host
22 cities to come and testify before us? I mean it
23 conceivably could be that they don't have any problem. I
24 don't think so, but it could be that they don't have any
25 problem.

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1 CHAIRMAN EATON: I think I know what you're
2 saying and I think it's a good idea. What we can do is
3 set forth --

4 BOARD MEMBER ROBERTI: I'm not their best
5 advocate because I don't know the way I'm going anyway,
6 and I'm sure they have their lawyers who have spent
7 umpteen hours trying to figure out their best footing on
8 this.

9 CHAIRMAN EATON: I don't think you're an
10 advocate. I think you're just struggling with the balance
11 of interests that takes place here.

12 BOARD MEMBER ROBERTI: That's what I'm
13 trying to do.

14 CHAIRMAN EATON: What we can do is if the
15 other Board Members would agree to do so is April, being
16 too early, but surely no later than May that we bring --
17 invite both the host and the generating cities that you
18 had mentioned before the Board. We'll do it as you want,
19 an informational item but one of substance as opposed
20 to --

21 BOARD MEMBER ROBERTI: Absolutely.

22 CHAIRMAN EATON: Go ahead.

23 BOARD MEMBER ROBERTI: Because I, as I'm
24 sure all of you, we have meetings with all these cities.
25 We've heard all of them before us and they've come and

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1 talked to us or our staffs on what would appear to be
2 unrelated agenda items which are all the same problem.
3 One string goes down and the other string goes up, and I
4 would hope that at some point we could just settle this.
5 I'm not saying it's not settled already, but I would hope
6 that we settle this at least in the minds of the
7 applicants before us so they know we've heard all these
8 arguments together at the same time.

9 BOARD MEMBER JONES: Could I ask just one
10 question? If -- and I don't have a problem with doing
11 that. I would say, though, that out of fairness for what
12 we've done for all these years, I would like to see --
13 because remember, we did the County of L.A. who was a
14 generator in the SRRF. We did Lancaster who could be a
15 generator into SRRF or Commerce City. We just approved
16 their base year adjustments and the outcome of this
17 meeting -- because I think the debate is going to be
18 between this Board. The only thing I'm willing to debate
19 is statute. I'll listen to all the testimony that these
20 guys want to give us. They're not going to sell the
21 issue. The issue has to be on the law.

22 BOARD MEMBER ROBERTI: If the statute is
23 clear, it's beyond our --

24 BOARD MEMBER JONES: Absolutely.

25 BOARD MEMBER ROBERTI: -- our authority

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1 to --

2 BOARD MEMBER JONES: To interpret.

3 BOARD MEMBER ROBERTI: -- debate it or
4 interpret it based on standards. I don't know that I'm
5 convinced that the law is that clear. Maybe it is.

6 BOARD MEMBER JONES: What I would like to
7 see happen and is consistent with the way this day has
8 gone, at some point I want to make a motion to adopt the
9 City of Long Beach, and if we determine that we have to
10 treat this material differently, then I think we not only
11 go into the City of Long Beach and change it, but it
12 sounds like when you look at the Disposal Reporting System
13 that we're going to have to go back into 55 cities and
14 change their numbers.

15 I don't have a problem with that, if that's
16 how we determine to do this, but I don't think it's fair
17 to hold the City of Long Beach hostage.

18 BOARD MEMBER ROBERTI: There's no attempt
19 to hold the City of Long Beach hostage. I'm just trying
20 to get more information and hopefully this is settled way
21 before the end of the year 2000 and give them plenty of
22 time. They have something that's relatively unique,
23 that's different, and I don't want the interpretation that
24 we were trying to cut host cities off at the pass by
25 passing a new generation study for Long Beach, doing

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1 something that is much broader than what we thought we
2 were doing when we cast the vote.

3 CHAIRMAN EATON: Okay. We still have one
4 public, believe it or not, testimony from Mr. Coates, and
5 I will come back to the point that you had and Mr. Jones
6 and try and frame something upon hearing from Mr. Coates.
7 Thank you for your patience.

8 MR. COATES: Thank you.

9 CHAIRMAN EATON: This is the 49ers versus
10 the Marauders now. I can't remember what Lakewood's high
11 school's --

12 MR. COATES: Lancers.

13 CHAIRMAN EATON: Lancers.

14 MR. COATES: Good afternoon, Mr. Chairman
15 and Members of the Board. My name is Thomas Coates. I am
16 the Environmental Programs Technician for the City of
17 Lakewood, and I would like to respectfully enter the
18 following statement on behalf of the City of Lakewood.

19 The City of Lakewood would like to make a
20 point for the record that it respectfully disagrees with
21 the system which is not giving the City full credit for

22 either diversion of the solid waste into energy or
23 beneficial use of that portion of ash from the SRRF
24 facility which is the product of solid waste attributed
25 to the City of Lakewood. We respectfully request that

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1 these matters be reexamined at an appropriate time with
2 input from all affected jurisdictions, that approval of
3 agenda Item 28 be deferred and an alternative be
4 revisited when and if appropriate.

5 Thank you.

6 CHAIRMAN EATON: Thank you. Mr. Coates, do
7 you want to comment on -- it may be unfair. I should ask
8 other Board Members, if that be the case. Is your
9 position or the City's position that on the 30 additional
10 tons of generation that are not charged to you, that you
11 ought to receive that credit as well?

12 MR. COATES: No, I do not wish to comment
13 at this time.

14 CHAIRMAN EATON: Okay.

15 MR. CHANDLER: Mr. Chairman.

16 CHAIRMAN EATON: Mr. Chandler.

17 MR. CHANDLER: If I understood Mr. Coates's
18 testimony before you just a second ago, it sounded like he
19 was raising two issues. Not only did he question the
20 application of only receiving 10 percent credit for the
21 transformation of the generating city's waste, but also
22 the question of the ash and I --

23 CHAIRMAN EATON: 10 percent is pretty
24 much -- that's a statute.

25 BOARD MEMBER ROBERTI: I didn't read it

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1 that way. I thought he was --

2 MR. CHANDLER: Mr. Coates, could you come
3 back forward? I would like that clarified. Do you have
4 your written statement there?

5 MR. COATES: Yes.

6 MR. CHANDLER: Would you read that for us
7 please? I may be mistaken.

8 MR. COATES: I'll repeat it in its
9 entirety.

10 City of Lakewood would like to make the
11 point for the record that it respectfully disagrees with
12 the system which does not give the City full credit for
13 either conversion of its solid waste into energy --

14 MR. CHANDLER: I'll stop you right there.
15 To me, Mr. Chairman, for clarity I'd like for staff's
16 purposes is when we bring this forward do you want us to
17 be debating just the residual issue and the ash, or are we
18 also being asked for this testimony to question the full
19 conversion issue, which I think is quite clear in statute,
20 but I want to understand the breadth of the issue you
21 would like us to consider. Mr. Coates's testimony is
22 clear.

23 CHAIRMAN EATON: He disagrees with the
24 system. Whether or not that issue is brought up, that
25 issue on the 10 percent has been the subject of many

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1 bills in the legislature. Each one has soundly been
2 defeated. I don't think that's something I would
3 personally like to take up before the Board. I think for
4 the record at least he can disagree with the system.
5 They already have a piece of legislation in to try and
6 change that, but in terms of Senator Roberti, it really
7 as we deal with the residual and some of the diversion
8 credit there, and I see him nodding, so I think the
9 direction --

10 MR. CHANDLER: Thank you for the
11 clarification. I wanted to be clear on what you wanted us
12 to consider. Thank you.

13 BOARD MEMBER JONES: Mr. Coates, so what
14 you're saying is you want 10 percent for the mass burn and
15 30 percent for the residual.

16 MR. COATES: With all due respect, Board
17 Member Jones, I'm not prepared --

18 BOARD MEMBER JONES: But that's your
19 statement. Your statement leads us to believe that. Is
20 that accurate or not?

21 MR. COATES: Yes, that is my statement.

22 BOARD MEMBER JONES: So it's 30 and 10,
23 that's 40 percent of the wastestream. Now, you're the
24 Environmental Programs Manager?

25 MR. COATES: Yes.

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1 BOARD MEMBER JONES: Okay.

2 CHAIRMAN EATON: Thank you, Mr. Coates.

3 BOARD MEMBER ROBERTI: I think both cities
4 are trying to maximize their positions and I guess that's
5 why we're here.

6 CHAIRMAN EATON: Buy shorts all long, is
7 that it? Thank you, Mr. Coates.

8 Mr. Kuhl.

9 MR. KUHL: Thank you, Chairman Eaton and
10 Members of the Board.

11 If I could try to recast this issue back to
12 1992 when the City of Long Beach first did its waste
13 generation study and submitted these numbers to the state
14 board --

15 CHAIRMAN EATON: Mr. Kuhl, could you just
16 say who you are?

17 MR. KUHL: I'm sorry. My name is James
18 Kuhl with the City of Long Beach. I'm the manager of
19 (inaudible) Resources Bureau. In 1992 when we sent in
20 our waste generation numbers for review by the Waste
21 Board by our local representative, these numbers were
22 returned to us because they did not include ash, and we
23 were told -- and I'm back to 1992 prior to recycling
24 programs for this ash -- that this ash had to be included
25 as part of the City of Long Beach generation numbers.

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1 After that time, the City of Long Beach
2 developed a program to recycle this ash, so luckily we're
3 able to deal with this ash and it had benefit to the City
4 of Long Beach. But also back in 1990, 1991, 1992, as we
5 were developing our 939 plans, we developed a strategy, we
6 developed programs we implemented based on that decision
7 by the Board that the ash belonged to the City of Long
8 Beach and our programs on how we were going to accomplish
9 939.

10 I think it's totally unfair for the Board
11 to reconsider this issue when we're in April of 2000. We
12 are now to be in compliance, and to change this law would
13 require an additional 55,000 tons of diversion to the
14 City of Long Beach if we decided to go back and change
15 the law from our decision eight years ago. If we want to
16 talk about equity and fairness and good faith effort, we
17 can go down that road, but I want the Board to understand
18 what you're doing to the City of Long Beach by even
19 contemplating this. You're penalizing Long Beach and
20 Commerce for taking a good faith effort and implementing
21 programs and moving forward, and there's only one
22 jurisdiction that's bringing this forward.

23 If we want to get into a debate about
24 programs and good faith efforts, I know I can win that
25 battle because we have undertaken -- I've worked with

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1 staff on many issues of market development, every issue
2 across the board. Long Beach has been extremely
3 supportive of 939 all along the way with the Waste Board
4 and other jurisdictions, and at this last minute to do
5 that to the City of Long Beach -- if I have to come up
6 with 55,000 tons of diversion between now and December, I
7 would not be in compliance and that's what we're really
8 talking about today.

9 CHAIRMAN EATON: Senator Roberti.

10 BOARD MEMBER ROBERTI: I appreciate
11 everything you're saying and I'm not trying to be
12 hypercritical, but the fact is under our current base year
13 you're not getting those 55,000 tons anyway.

14 MR. KUHL: That's not true, sir. Under our
15 current base year all the ash that is generated at SRRF is
16 in our base year. That is already included in there. The
17 only thing we're adjusting for at this point is new
18 diversion programs, new diversion programs by the private
19 haulers, by the City of Long Beach, source reduction
20 programs, things we have discovered.

21 BOARD MEMBER ROBERTI: So what I'm led to
22 believe then is, according to City of Long Beach, nothing
23 in your current request has anything to do with adjusting
24 the numbers for ash to -- what was it? Beneficial use.

25 MR. KUHL: That's correct. That number,

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1 that ash was originally in our base years numbers.

2 BOARD MEMBER ROBERTI: And no aspect of
3 your request today has anything to do with ash to
4 beneficial use.

5 MR. KUHL: That's correct.

6 BOARD MEMBER ROBERTI: Is that our staff's
7 interpretation?

8 MR. SCHIAVO: It's adjusting for those
9 commercial programs and other activities that have taken
10 place that were not included in the new information. So
11 they've got again current base year more accurate --

12 BOARD MEMBER ROBERTI: Nothing in this
13 request has anything to do with ash diversion.

14 MR. SCHIAVO: Well, it includes ash
15 diversion which was originally in the base year, but it's
16 not adjusting the ash, just carrying forward the ash.

17 BOARD MEMBER ROBERTI: Give me this again.

18 MR. SCHIAVO: The ash was originally
19 included in the base year. It's always been accounted
20 for. What the primary adjustment for this 1998 generation
21 study is reevaluating commercial sector programs and
22 what's been going on in that sector for Long Beach.

23 BOARD MEMBER JONES: That don't deal with
24 ash.

25 MR. SCHIAVO: That don't deal with ash.

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1 MR. CHANDLER: In other words, it doesn't
2 change the historical treatment of how they have counted
3 for their ash --

4 BOARD MEMBER ROBERTI: I'm asking is there
5 a change in the numbers on ash diversion.

6 MR. SCHIAVO: It would reflect whatever the
7 1998 number is, which I believe is 162,000 tons. It's
8 just making that current because again, by doing a 1998
9 generation study, they're looking for more accuracy with
10 where they are so they can better evaluate what they have
11 to do.

12 BOARD MEMBER ROBERTI: So we are increasing
13 the numbers for ash diversion but based on the standard
14 formulation.

15 MR. SCHIAVO: It reflects what was -- is
16 currently taking place in 1998. It was always reflected
17 from the base year forward, but because everybody's
18 generation numbers increase over time, especially with
19 this economy, the number I believe has gone up slightly.
20 The number I believe was originally 150,000-something tons
21 and now is I believe 162,000. Again, that's just a
22 product of moving forward and having more generation in
23 the community itself. It's not readjusting for missing
24 ash or adding in ash components that were not originally
25 there and just bringing it forward for current 1998

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1 information.

2 CHAIRMAN EATON: So I think -- are you
3 basically saying that as a result of all these other
4 programs that the City of Long Beach has put in place,
5 that as a result of those adjustments based on those
6 programs, all these other categories which were already
7 included get adjusted commensurate with that they use?
8 I'm trying to figure it out. I think that's what the --

9 BOARD MEMBER JONES: The Senator is right.
10 What he's asking is -- he's saying are you adding anything
11 new other than okay. If they disposed -- in '90 they
12 disposed of 736,000 tons. So the ash of whatever that was
13 would be part of generation. Today they're disposing of
14 742,000 tons, which is pretty good. Eight years later
15 you're only seeing an increase of 6,000 tons in disposal.
16 Good for you guys. So it's that incremental difference in
17 the ash. Is that accurate?

18 MR. KUHL: Yes, Member Jones. What the
19 ash -- any ash change in there is based on the output of
20 the waste-to-energy plant, so as more trash is processed
21 in that plant, we may get a few more tons annually or a
22 few less tons based on the throughput. Any adjustment is
23 just based on the throughput.

24 BOARD MEMBER ROBERTI: How significant is
25 this increase in ash to the entire proportions of the new

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1 waste generation study?

2 MR. SCHMIDLE: Chris Schmidle again. We
3 just checked our records and we're seeing 140,000 tons of
4 disposal in the original base year study and 162,700 of
5 diversion in the current study.

6 BOARD MEMBER ROBERTI: 114 to 162.

7 MR. SCHMIDLE: 140 to 162.

8 BOARD MEMBER ROBERTI: And what's the
9 waste generation?

10 BOARD MEMBER JONES: 1,100,000.

11 BOARD MEMBER ROBERTI: Give me the
12 relevant waste generation numbers.

13 MR. SCHMIDLE: In the base year we're
14 talking about 640,000 tons, 140,000 of which is ash. In
15 the current study there's 1,005,000 and 162,000 of that is
16 ash.

17 BOARD MEMBER ROBERTI: So ash diversion has
18 not increased percentage-wise.

19 CHAIRMAN EATON: One goes from 600 to a
20 million is what you're trying to get at on the actual
21 overall and 140 to 162. It's not an overall increase.

22 BOARD MEMBER ROBERTI: It doesn't strike me
23 that the percentage increase is --

24 CHAIRMAN EATON: Right.

25 BOARD MEMBER ROBERTI: In fact, it's

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1 inverse.

2 CHAIRMAN EATON: Right.

3 BOARD MEMBER ROBERTI: That being the case,
4 I can vote for the Long Beach request with a proviso that
5 we visit the whole issue of ash generation.

6 CHAIRMAN EATON: Separate and apart from
7 that. That was a given anyway, at least from my
8 perspective, that we were going to bring it back at some
9 point with a very narrow focus for discussion purposes.

10 BOARD MEMBER ROBERTI: I was under the
11 impression that our regulations had caused -- for whether
12 you like them or not, had caused a significant increase in
13 the ash generation at the incinerator, giving Long Beach
14 much more credit.

15 BOARD MEMBER JONES: Got you.

16 BOARD MEMBER ROBERTI: However, these
17 numbers seem to indicate no, it goes in the other
18 direction. The percentage is actually on the decrease.

19 CHAIRMAN EATON: That issue having been
20 joined, I will take up two motions. The first one, if we
21 want, we can take up the regular resolution and I assume
22 Jonesville is in that corner.

23 BOARD MEMBER JONES: Mr. Chairman, I would
24 like to move adoption of Resolution 2000-90, consideration
25 of staff recommendation to change the base year to 1998

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1 for the previously approved Source Reduction and Recycling
2 Element and consideration of staff recommendation for the
3 1997-98 biennial review findings for the SRRE and
4 Household Hazardous Waste Element for the City of Long
5 Beach.

6 BOARD MEMBER MOULTON-PATTERSON: Second.

7 CHAIRMAN EATON: All right. Mr. Jones
8 moves and Ms. Moulton-Patterson seconds that we adopt
9 Resolution 2000-90.

10 Madam Secretary, would you call the roll on
11 this one.

12 BOARD SECRETARY: Board Members Jones.

13 BOARD MEMBER JONES: Aye.

14 BOARD SECRETARY: Roberti.

15 BOARD MEMBER ROBERTI: Aye.

16 BOARD SECRETARY: Moulton-Patterson.

17 BOARD MEMBER MOULTON-PATTERSON: Aye.

18 BOARD SECRETARY: Chairman Eaton.

19 CHAIRMAN EATON: Aye.

20 All right. Then with regard to the -- I'll
21 just make a motion. I can do it by direction, but I think
22 we should probably do it by motion based upon what the
23 Senator said. Bring back to the Board not later than the
24 May board meeting, so you'll tell us if we need to
25 actually do an additional board meeting or workshop, that

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1 we bring back this item -- that we bring back the issue of
2 the whole systematic approach and the way it's treated as
3 it relates to the transformation and diversion credit on
4 that very narrow issue. Is that fair, Senator?

5 BOARD MEMBER ROBERTI: Yes.

6 MR. CHANDLER: That will also include
7 indications to those host jurisdictions?

8 CHAIRMAN EATON: And I would just add one
9 other thing, if the Senator would agree with it too, is
10 that if we could have the Legal Office prepare some of
11 the -- I think they have already, the legal sort of
12 framework by which we have operated on and I think that
13 would be helpful as well because that also involves
14 statutory. So we get that kind of argument from the host
15 or the generator, the legal framework. I think we have it
16 developed already, but I don't want us to get into a
17 situation where we haven't been prepared. Does that seem
18 to be -- I'll make that motion.

19 BOARD MEMBER JONES: Second.

20 CHAIRMAN EATON: All right.

21 Mr. Eaton moves and Mr. Jones seconds that
22 we bring back not later than May the issue of residual
23 diversion credit and also the legal framework by which we
24 operate for discussion-only purposes at this time.

25 Without objection, we'll substitute the

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1 previous roll call. Hearing no objection, so shall be
2 ordered.

3 I am informed and therefore believe and
4 therefore am commanded that we need to take a break with
5 regard to this item and we'll come back with Item Number
6 29.

7 Thank you. We'll come back at 3:30.

8 (Brief recess taken)

9 CHAIRMAN EATON: Welcome back. Any ex
10 parte communications, Mr. Jones?

11 BOARD MEMBER JONES: No. I said "hi" to a
12 few people, but that was it.

13 CHAIRMAN EATON: Ms. Moulton-Patterson, no.
14 Senator Roberti, no.

15 We've completed Item Number 28. Item
16 Number 29.

17 MR. SCHIAVO: Item 29 --

18 CHAIRMAN EATON: Do you feel like you're on
19 the road still?

20 MR. SCHIAVO: Feel at home now.

21 (Laughter)

22 CHAIRMAN EATON: Thank you, Mr. Schiavo.

23 MR. SCHIAVO: Okay. Consideration of staff
24 recommendation to change the base year to 1997 for the
25 previously approved Source Reduction and Recycling Element

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1 and consideration of staff recommendation on the 1997-98
2 biennial review findings for the Source Reduction and
3 Recycling Element and Household Hazardous Waste Element
4 for the City of Calabasas, Los Angeles County, and Chris
5 Schmidle will be making this presentation.

6 MR. SCHMIDLE: Chairman Eaton, Members, the
7 City of Calabasas requests to change their base year
8 generation year from 1990 to 1997. To do this, they do
9 the new base year generation study and they used disposal
10 data from the Board's Disposal Reporting System and
11 collected diversion information from the following
12 activities: City's green waste program, their drop-off
13 program, curbside recycling, (inaudible), park and
14 landscape grasscycling, mulching and tree trimming,
15 alternative daily cover and landfill salvage.

16 The City considers the 1997 data to be more
17 accurate than the 1980 data. The City has completed and
18 signed the Board's base year modification request
19 certification form verifying the information provided to
20 support this request. Therefore, staff believes the
21 request has been adequately documented.

22 Therefore, staff recommends the request for
23 the new base year be approved. The staff also recommends
24 that the Board accept the 1997-98 biennial review findings
25 for the City. Are there any questions of staff?

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1 CHAIRMAN EATON: Any questions?

2 BOARD MEMBER JONES: Mr. Chairman.

3 CHAIRMAN EATON: Mr. Jones.

4 BOARD MEMBER JONES: Just two quick ones.

5 The landfill salvage of 11,930 tons was -- I had asked in
6 my briefing. Did you get an answer as to what that was?

7 MR. SCHMIDLE: Landfill salvaging.

8 BOARD MEMBER JONES: If not, it's not a big
9 deal, it's just a lot, but this one when you do the math
10 comes out to 22 pounds per person per day so I hope
11 there's a lot of industrial waste that's going into this
12 site because that's a heck of a lot of waste.

13 Mr. Chairman.

14 CHAIRMAN EATON: Mr. Jones.

15 BOARD MEMBER JONES: I'll move adoption of
16 Resolution 2000-92.

17 CHAIRMAN EATON: I'll second the motion.

18 So Mr. Jones moves and Mr. Eaton seconds
19 that we adopt Resolution 2000-92.

20 Without objection, we'll substitute the
21 previous roll call. Hearing no objection, so shall be
22 ordered.

23 Item Number 30.

24 MR. SCHIAVO: Item 30 is consideration of
25 staff recommendation on the 1995-96 biennial review

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1 findings for the Source Reduction and Recycling Element
2 and Household Hazardous Waste Element and consideration of
3 adoption of a compliance order relative to the biennial
4 review findings for the City of Avalon, Los Angeles
5 County. And this is Chris Schmidle again.

6 MR. SCHMIDLE: Chairman Eaton and Board
7 Members, the City of Avalon has implemented its SRRE
8 selected programs, but significant programs have not been
9 implemented. The City, however, has implemented its
10 Household Hazardous Waste Element programs. According to
11 data in the annual reports, the City is below the 25
12 percent diversion requirement for both 1995 and 1996.
13 Board staff also noted the City's diversion rates yielded
14 minus 6 percent for 1995 and 12 percent for 1996.

15 Since the City is implementing many of its
16 programs but still shows such low diversion rates, this
17 indicates to Board staff there may be a systematic problem
18 or some sort of inaccuracy in the City's diversion
19 measurement system. With the current available
20 information, Board staff is unable to determine if the
21 City has made good faith effort to implement its SRRE in
22 1995 and 1996.

23 This is a difficult judgment for the Board
24 staff to make because I visited this city and I do see
25 that they are doing some good programs. The City is

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1 noted for its environmental considerations. It's based
2 on an island, and because of that they have very high
3 landfill rates and very high cost to take material on and
4 off the island. They do a very good job of reuse and
5 recycling of the materials.

6 Nonetheless, the Board's numbers are very
7 clear in minus 6 and 12 percent and this -- so they do not
8 fit in the good faith category that we usually use and
9 have used for the other jurisdictions that have come
10 forward.

11 Therefore, Board staff believes that the
12 compliance order continuing for the City to correct its
13 diversion rates and to implement its SRRE programs is
14 warranted. However, and -- the Board staff also
15 recommends that the Board find that the City is adequately
16 implementing its Household Hazardous Waste Element.

17 CHAIRMAN EATON: Any questions of
18 Mr. Schmidle? I have Mr. Joe Sloan from Consolidated
19 Disposal Services who desires to speak on this item.

20 MR. SLOAN: Thank you, Chairman Eaton,
21 honorable Board Members, Mr. Chandler and staff.

22 My name is Joe Sloan. I'm with
23 Consolidated Disposal Service. We're the Los Angeles
24 County operating division of Republic Services and we have
25 the pleasure of serving the City of Avalon, among about 50

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1 other cities in Los Angeles County. 40 of those we have
2 franchises or limited, not exclusive franchises or
3 contracts in those cities.

4 I'm here today because, as Mr. Schmidle
5 mentioned, City of Avalon is facing the spector of a
6 compliance order to be issued by the Board and I would
7 like to address that if you don't mind. I've looked at
8 the whole good faith issue and I'm not sure exactly what
9 constitutes good faith. I've had a lot of discussions
10 with a lot of people about that, but there is an issue of
11 I think legal sense and common sense and that's what I
12 would like to talk about today.

13 I would like to address all the issues that
14 Mr. Schmidle brought up, and by taking issue with that I
15 want to emphasize that I have the highest regard for
16 Mr. Chandler and his staff and Mr. Schmidle and the work
17 that they do, but I think there are some things here that
18 bear your attention.

19 As I said, I've worked with over 40 cities
20 since 1990 in the development of their SRREs and actually
21 in the completion of their annual reports that are
22 submitted to the Board, and if there's ever been a city
23 that I have worked with that has demonstrated good faith
24 and gone the extra mile to make sure they comply with the
25 mandate of AB 939, it's the City of Avalon.

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1 I would like to give you an abbreviated
2 history of what that city has undertaken since AB 939 was
3 passed. It was in the early 1990s, in fact, there was
4 consideration in 1993 for the City using redevelopment
5 funds for the development of a new facility over there.
6 Now, you've got to understand several things. One, being
7 an island and a small city, an island and a tourist mecca
8 there are a lot of things that are stacked against Avalon,
9 yet they resolved to do it.

10 They were also dealing with issues from the
11 South Coast Air Quality Management Board and the Coastal
12 Commission regarding the placement of the landfill. If
13 you've ever been to Avalon, you've seen the landfill. I
14 think it's probably the closest landfill to the Pacific
15 ocean. I've got a pretty good arm, but I can throw a rock
16 into the Pacific ocean from the banks of the landfill. So
17 they're dealing with the Coastal Commission, the South
18 Coast Air Quality Management District and the fact that
19 there's an incinerator there.

20 The island and Avalon in particular has
21 taken care of its waste management needs over the last
22 decade via the use of an incinerator, but at the same time
23 that the City was trying to deal with the waste management
24 issue, the AB 939 compliance issue, they were dealing with
25 eight requirements from the AQMD that they shut down their

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1 incinerator. So our company working with them, working
2 with the AQMD, came to develop a plan and we feel it's a
3 very innovative plan to compost all the MSW that's
4 collected on the island, that stuff that we can't recover
5 from a dirty MRF -- actually, all the equipment for the
6 MRF that was approved by the City has been in crates on
7 the island for two years. We've had impediments that have
8 kept us from being able to put that system together.

9 In 1994, a decision was made by the City
10 Council to scrap the burner and to build the MRF and
11 compost system for the island. The citizens voted to use
12 \$500,000 in redevelopment funds to apply towards the
13 development of the program. The Council voted a
14 31-percent rate increase for all generators on the island
15 in order to support this program, this AB 939 program, and
16 it was determined by our company, in concert with the
17 City's consultant, that in order to do a traditional
18 program, this is just the kind of thing that all the other
19 cities did that actually got them into compliance,
20 bottles and cans and newspaper collection program.

21 It would cost -- in addition to the
22 collection costs that are traditionally borne by cities,
23 it would cost \$140,000 annually for that city of 3,400
24 people to ship that material to Los Angeles. So in
25 addition to just the collection cost, they would have to

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1 bear an additional \$140,000 a year in shipping costs for
2 the material that would be collected.

3 So in 1995 we began the -- after the funds
4 were allocated, the rate increases were in place, we began
5 the planning and engineering and permitting phase to build
6 the Material Recovery Facility -- and in this Material
7 Recovery Facility we're calling it a dirty MRF. It's
8 really pretty simple. It's a straight in-feed conveyor
9 and on that conveyor they're just going to try to recover
10 metals, glass and plastics. That's all they were going to
11 try to recover because what went off the end was going to
12 go into a shredder and the shredder was then going to be
13 provided with animal waste and other organic material from
14 the island and composted.

15 We had a closed loop system there because
16 we had takers for all the compost on the island that we
17 can produce, local golf course and some agricultural uses
18 as well. We had to work through the Coastal Commission,

19 we had to work through the AQMD, we had to work through
20 the Santa Catalina Island Company and the Conservancy.

21 You would think if we could get through
22 all those hurdles that we would be able to get this thing
23 done, but we've actually had an even more onerous burden
24 to get over and that's the Los Angeles County Fire
25 Department. If you put all those on one list, you would

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1 think it wouldn't be the toughest one but it has proven to
2 be so far.

3 The City has approved construction of this
4 \$3.2 million dollar project. To date we've spent over a
5 million bucks, and that's in equipment, as I said, that's
6 over on the island right now, waiting to be put together.
7 The fire department wants a water line up to this facility
8 where there has never been a water line. Tell me the
9 sense of this, and I hope there's nobody from the fire
10 department here because it means we'll never get it done,
11 but we've been burning trash up there --

12 BOARD MEMBER JONES: Watch out.

13 CHAIRMAN EATON: We do have a transcript,
14 however.

15 (Laughter)

16 MR. SLOAN: We've been burning trash up
17 there for 30 years and not had to have one, and now we're
18 going to shut the incinerator down and we've got to have
19 one, so explain that. Sorry, I can't do it. That's
20 what's holding us up.

21 We have been working for over a year now
22 just on the water line issue. We've agreed to do
23 everything that's been asked of us by every agency, and
24 we're prepared to go forward and we think we're
25 dangerously close. As we said, the equipment is there,

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1 all the construction equipment is there, the building
2 permits are in place, but we haven't been able to
3 commence on the project yet.

4 As a matter of fact, one of the reasons,
5 because we have this incinerator there and because we
6 can't shut down this incinerator until we have this new
7 system online, we haven't been able to pull the paper and
8 the wood and the plastics out of the wastestream because
9 if you do, the incinerator won't work.

10 We've been between a rock and a hard place
11 as far as programs go. The commitment's been there, the
12 money's been spent. We're as far down the road you can
13 get without actually having an operating facility. That
14 addresses at least all that I can address of the programs.
15 We did implement a blue-back (phonetic) program back in
16 '95 and '96 and that's that time period we went from 6
17 percent up to 12 percent diversion. That's about what
18 we've been able to do so far aside from source reduction
19 programs. However, we're now looking at once this thing is
20 fully online being able to exceed the 50 percent mandate.

21 Regarding the numbers, that 6 and 12
22 percent number, I don't really have a scientific
23 explanation for that. I'd like to give you one. I do
24 have a common sense one, however. When the baseline was
25 done in 1990, that was before the commencement of

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1 construction on Hamilton Cove. The Hamilton Cove
2 development is just north of the City of Avalon. It's the
3 largest, most significant development on the island in 50
4 years. It has caused a significant increase in the amount
5 of tourist traffic that comes there and actually people
6 that stay there on the island.

7 In addition, the City annexed 150 percent
8 more territory. It was about one square mile. Now it's
9 about two and a half miles, so in actual land mass that's
10 covered by the City. So in doing that they picked up
11 about 25 commercial businesses that weren't in their
12 previous generation study.

13 So what I'm asking you is to just consider
14 this. The City I think has bent over backwards, has gone
15 the extra mile to do everything that they could in order
16 to meet the requirements of the law. There may be some,
17 as Mr. Schmidle mentioned, error in some of the data, the
18 baseline data from which we originally measured.

19 However, we're asking that if you find it
20 necessary to issue this compliance order, that you not
21 issue it with the requirement that the City have to do
22 another waste generation study. We've spent tons of
23 money. We're sitting there waiting to initiate this
24 program, and it's \$50,000 that quite frankly, I guess you
25 could say the City has it but they would rather not spend

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1 it because they've already spent so much trying to do this
2 in the first place.

3 The second thing I would like to ask is if
4 you can see to forestall this action and actually come
5 over as the Coastal Commission did. The Coastal
6 Commission had some problems with what we wanted to do.
7 We had three meetings with them. Finally representatives
8 of the Commission came over, we gave them a tour, we
9 showed them what we were trying to do and now they've
10 approved it. I think if we were able to have you come
11 over and see what we're doing, you might find that it
12 would be possible for the Board as well.

13 CHAIRMAN EATON: Any questions of
14 Mr. Sloan? Any response? Mr. Leary.

15 MR. LEARY: I don't think Mr. Sloan has
16 offered a lot different than what Mr. Schmidle said.
17 Staff have found that City of Avalon's commitment is very
18 strong in implementation of programs, and as we recommend
19 and what we have had to go on is past precedent when the
20 Board has dealt with jurisdictions over the last six or
21 nine months doing 95-96 biennial reviews in counter
22 situations like this. Unfortunately, the numbers are in
23 such disarray that we've suggested in this case that they
24 do some sort of data correction, and up until January the
25 idea of doing a base year correction and reporting year

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1 correction was an option.

2 Because we're not allowing jurisdictions
3 any longer to go back to 1990 to make those base year
4 corrections, really all that's available to the City of
5 Avalon is to do a waste generation study and make that
6 correction. I hope to God it wouldn't be a \$50,000 study
7 for the City of Avalon. I think there are ways that we
8 can work together to streamline that process so it isn't
9 so financially insensitive and burdensome on the City
10 towards their good programs, but I would hope that we
11 could make that happen.

12 But if the Board wants to go, it's the
13 Board's discretion obviously to go into what heretofore is
14 uncharted territories, granting a good faith effort.
15 Because of the uniqueness of the circumstances, I don't
16 know that you could hear anything from staff because there
17 is a commitment there from the City of Avalon.

18 CHAIRMAN EATON: Ms. Moulton-Patterson and
19 then Senator Roberti.

20 BOARD MEMBER MOULTON-PATTERSON: Well, it
21 just seems to me this is a unique situation. I don't know
22 what the answer is, but just at this point I would have
23 trouble ruling for a compliance order. As a former
24 Coastal Commissioner, if you can get through the Coastal
25 Commission, maybe we should go and see. But in all

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1 seriousness, this is a unique situation and I would hate
2 to vote for this.

3 MR. SLOAN: May I interject?

4 CHAIRMAN EATON: Please.

5 MR. SLOAN: Thank you. The average amount
6 of waste generated daily over there is somewhere like 12
7 to 18 tons a day. The amount of waste that we're talking
8 about diverting is a bail about the size of the desk that
9 Mr. Chandler sits at here. That's not to say that the
10 percentages aren't important, but in the overall spector
11 of things, we're talking about a fairly small amount of
12 material of which we fully intend and are committed to
13 taking care of, but really you're talking about 12 to 18
14 tons a day. During the tourist season it spikes up to 50
15 tons, but the average over the year is less than 20 tons a
16 day of generation over the entire -- that's a truck and a
17 half. If you're looking at a compactor truck, that's like
18 a truck and a half load of material. We're talking about
19 a fairly small amount of material.

20 CHAIRMAN EATON: Senator Roberti, I think
21 you had a comment.

22 BOARD MEMBER ROBERTI: I think,
23 Mr. Chairman, in one of the briefings it was discussed
24 that in the City of Avalon there's an extensive amount of
25 reuse of products like automobiles in the presentation

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1 you made. Somebody help me with what does Avalon do as
2 far as reuse of their products or long use of their
3 products in the city and do we compute that at all in our
4 diversion rates.

5 MR. LEARY: I think that's exactly what a
6 waste generation study would do, would be able to do that
7 kind of source reduction.

8 BOARD MEMBER ROBERTI: The problem with the
9 waste generation study is not staff's fault. The waste
10 generation study comes under the rubric of a compliance
11 order, and compliance order gives anybody the impression
12 that the City hasn't been doing its job.

13 Now, I know sometimes we want compliance
14 orders because we want information, but that just isn't
15 what a compliance order -- what the language is, conveys.

16 CHAIRMAN EATON: Mr. Jones.

17 BOARD MEMBER JONES: You know, I tell you.
18 I think that this is a pretty classic case of why the
19 numbers don't matter as much that it's the programs. I
20 think it's -- we have to be careful here. I would tend to
21 agree that this probably falls into that likelihood of
22 good faith effort, but I would like to see -- have the
23 TIAs been working with Avalon, Chris?

24 MR. SCHMIDLE: Yes. I've already talked to
25 Karen Morgan and she's more than willing, if the City

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1 would like, to do a voluntary TIA program. She's more
2 than willing to accommodate them.

3 BOARD MEMBER JONES: The City will work
4 with them?

5 MR. SLOAN: Absolutely.

6 BOARD MEMBER JONES: Okay. I think what's
7 important is that -- Joe's right. The amount of waste
8 generated isn't a lot. When you've spent a million
9 dollars and it's sitting in a crate, that makes the back
10 of my -- the hair on the back of my neck stand up because
11 somebody's got to be paying for that. There's no revenue
12 stream to pay for it, but that's obviously a portion of
13 good faith effort. The fact that there was commitment
14 made to do a MRF and one other government agency is tying
15 your hands I think is a problem, but I think that it's
16 imperative, even with a good faith effort, that they work
17 with the TIAs because you've got a community there.

18 I don't know -- in my briefings and what
19 I've read, I don't know how much they're going after the
20 tourist population for different source reduction-type
21 issues, things that can happen in hotels, and I think that
22 it's important to make those kinds of programs available
23 or at least to let the City know that that is a way to
24 actually go from 10 or 12 tons maybe down to nine and a
25 half or 11 and a half tons. That's going to have a

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1 significant impact when the wastestream is this small.

2 I would be willing to go with good faith
3 effort on the condition or on your word, Joe, that and
4 Chris's indication that the City would work with TIA.
5 That I think further validates the fact that this Board is
6 not a bunch of bean counters, and I'm willing to make a
7 motion to -- pardon me?

8 BOARD MEMBER ROBERTI: Q-tip counters.

9 (Laughter)

10 BOARD MEMBER JONES: That came from
11 somebody in the Governor's office, but bean counters came
12 from the people that can't approve that fire line. See?
13 I know who my point of authority is.

14 (Laughter)

15 BOARD MEMBER JONES: So obviously this
16 resolution --

17 CHAIRMAN EATON: Maybe one of the
18 things -- and I also vote that we would visit. I don't
19 want to continue the item but bring an item back in May.
20 We will have time to go down and visit ourselves because
21 I think I said I would go up and look at it, but also to
22 give time for the TIA group to meet. Also, while I think
23 Mr. Sloan makes a good representation, I would like to
24 deal with the city he represents, a hauler, and in some
25 cases has some liberty to speak and see what we can craft

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1 and make the presentation for the good faith effort and
2 structure some sort of agreement, not a compliance order
3 but an agreement, and see if it can be done and
4 streamline generation or some other way of not doing it,
5 but that would give time to go back and have the city
6 officials --

7 MR. SLOAN: Mr. Chairman, I would also like
8 to have the opportunity to work with the City since it's a
9 single landfill, a single hauler, we're doing most of the
10 programs anyway. We might be able to find some way to
11 deal with it.

12 CHAIRMAN EATON: So you would be able to
13 come back --

14 MR. SCHMIDLE: We would try to investigate
15 that city.

16 CHAIRMAN EATON: -- the effort and we need
17 to go down and say because of what happened, what
18 you've --

19 MR. LEARY: Absent that correction to the
20 data, the struggle we would have then is to evaluate them
21 for the year 2000. We can craft in addition to the TIA
22 and additional -- we can craft a way to work with this
23 data so that it creates a sounder-based evaluation for
24 2000 and subsequent years and it will be a win-win all
25 the way around.

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1 CHAIRMAN EATON: Okay. So I don't even
2 know if we need a motion, but we can make direction and
3 that's all the problems, taken action one way or the
4 other, but --

5 MR. LEARY: Yes, sir. I think we can and
6 we can come back and report to you.

7 MR. SLOAN: Thank you.

8 CHAIRMAN EATON: Thank you.

9 Item Number 31 is on consent calendar.

10 Item Number 32.

11 MR. SCHIAVO: Item 32 is consideration of
12 request for compliance order due dates for the following
13 jurisdictions: Antioch, Atherton, Daly City, East Palo
14 Alto, Hillsborough, Gonzales, Greenfield, King City,
15 Lakeport, La Verne, Martinez, Montebello, Norwalk, Pico
16 Rivera, San Benito Regional Agency and Walnut.

17 Mark Leary will be making this
18 presentation.

19 MR. LEARY: As you will recall, Members, in
20 September and October of last year we issued all these
21 jurisdictions compliance orders, and pursuant to those
22 compliance orders Board staff has worked with each of
23 these jurisdictions. In the case of Atherton, East Palo
24 Alto and Hillsborough, the technical assistance program
25 met with each of the cities, developed a local assistance

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1 plan, and as a result of defining those new programs that
2 need to be implemented we also come to the recommendation
3 they're not going to be able to get those programs up and
4 running in the time allowed pursuant to the compliance
5 order. For those four jurisdictions we're recommending an
6 extension to get those programs in place.

7 For the remaining jurisdictions -- Antioch,
8 Daly City, Gonzales, Greenfield, King City, Lakeport, La
9 Verne, Martinez, Montebello, Norwalk, Pico Rivera, San
10 Benito Regional Agency and Walnut -- we are suggesting
11 that they have already submitted their 1999 base years and
12 they simply will not have the data in hand to meet the
13 deadline. So they will have that data for 1999 and it
14 will be complete by June 1st. We're suggesting you simply
15 give them to June 15th to get the data so we can evaluate
16 and take them off compliance. So in both cases we're
17 recommending --

18 CHAIRMAN EATON: That would be a two-week
19 extension?

20 MR. LEARY: The current deadline for those
21 jurisdictions, for the majority of them, is April 3rd.
22 For the other two, it's May 3rd. We're simply suggesting
23 to give them to June 15th because they won't get the data
24 in its final form before June 1st.

25 CHAIRMAN EATON: If history repeats itself,

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1 you know it's always a couple weeks after what they say
2 because something happened, there's a lot of graduations
3 that take place at the beginning of June and so on and so
4 forth. It's just a couple weeks and that way we're sure
5 you can get it on the calendar.

6 MR. LEARY: That would mean a couple of the
7 resolutions would need to be modified. There are four
8 resolutions to capture the variations of these 15 or so.

9 CHAIRMAN EATON: You're not implying that
10 we don't have the ability to do it --

11 MR. LEARY: No, no.

12 CHAIRMAN EATON: -- at this late hour of
13 the day. It's fine. If you want to go that way and you
14 can bring them back, that's fine.

15 MR. LEARY: I think we can get in by the
16 15th.

17 (Laughter)

18 CHAIRMAN EATON: You've been too long on
19 the road together, but that's fine for the resolution and
20 deal with the other issues when the numbers come in.

21 BOARD MEMBER JONES: Mr. Chairman.

22 CHAIRMAN EATON: Mr. Jones.

23 BOARD MEMBER JONES: I'm going to move
24 these -- can I list them all?

25 CHAIRMAN EATON: One at a time. But if you

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1 move the numbers quickly, I'm sure we'll get the seconds.

2 BOARD MEMBER JONES: I'd like to move
3 adoption of Resolution 2000-151.

4 BOARD MEMBER ROBERTI: Second.

5 CHAIRMAN EATON: All right.

6 Mr. Jones moves and Senator Roberti seconds
7 that we adopt Resolution 2000-151.

8 Without objection, we'll substitute the
9 previous roll call. Hearing no objection, so shall be
10 ordered.

11 BOARD MEMBER JONES: Mr. Chairman, I'd like
12 to move adoption of Resolution 2000-171.

13 BOARD MEMBER ROBERTI: Second.

14 CHAIRMAN EATON: All right.

15 Mr. Jones moves and Senator Roberti seconds
16 that we adopt Resolution 2000-171.

17 Without objection, we'll substitute the
18 previous roll call. Hearing no objection, so shall be the
19 order.

20 BOARD MEMBER JONES: Mr. Chairman, I'd like
21 to move adoption of Resolution 2000-172.

22 BOARD MEMBER ROBERTI: Second.

23 CHAIRMAN EATON: Mr. Jones moves and
24 Senator Roberti seconds that we adopt Resolution 2000-172.

25 Without objection, substitute the previous

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1 roll call. Hearing no objection, so shall be ordered.

2 BOARD MEMBER JONES: Mr. Chairman, I'd
3 like to move adoption of Resolution 2000-176.

4 BOARD MEMBER ROBERTI: Second.

5 CHAIRMAN EATON: Mr. Jones moves and
6 Senator Roberti seconds that we adopt Resolution
7 2000-176.

8 Without objection, we'll substitute the
9 previous roll call. Hearing no objection, so shall be
10 ordered.

11 I think that completes Item Number 33.
12 With regard to agenda items on the consent calendar, 37
13 we've taken up previously.

14 MR. SCHIAVO: We have 33 still.

15 CHAIRMAN EATON: You're right. I'm sorry.

16 MR. SCHIAVO: Here we go. Status update on
17 the quarterly compliance order reports and status report
18 on the compliance orders issued at the September 1999 and
19 October 1999 board meetings, and this is an oral
20 presentation to be made by Keir Furey.

21 MR. FUREY: Good afternoon, Chairman Eaton
22 and Members of the Board. My name is Keir Furey and I'm
23 with the Office of Local Assistance, and I will be
24 updating you on the current status of the jurisdictions on
25 compliance.

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1 There are six jurisdictions that have
2 quarterly reports due since the December board meeting.
3 All these jurisdictions have submitted their quarterly
4 reports on time and are meeting the requirements of their
5 compliance orders. At the two October board meetings, a

6 total of 17 jurisdictions were given compliance orders
7 requiring them to determine which method would be most
8 appropriate to address the deficiency in their diversion.
9 All of the jurisdictions have submitted their selected
10 method to the Board staff on time.

11 At the September 21-22, 1999 board meeting,
12 32 jurisdictions were given compliance orders that
13 required status update reports to be submitted by February
14 1, 2000. All the jurisdictions have submitted reports,
15 the vast majority of them being received on time, and all
16 the jurisdictions are meeting the requirements of their
17 compliance orders.

18 An information packet has been provided to
19 you which gives greater detail including background
20 information and current status of each jurisdiction.

21 This concludes my presentation. Are there
22 any questions for staff?

23 CHAIRMAN EATON: Any questions of staff?
24 Very good. Let the jurisdictions know that we are
25 grateful that everything seems to be progressing well.

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1 Item 35, I believe.

2 MR. SCHIAVO: Okay.

3 CHAIRMAN EATON: Item Number 35.

4 MR. LEARY: Mr. Chairman, if I could make a
5 minor correction to Agenda Item 32, I mistakenly
6 identified the extension date for the jurisdiction of Pico
7 Rivera and the San Benito Regional Agency as August 1st,
8 and in the resolution and in the agenda item it is August
9 1st. So we can either correct -- go back and correct the
10 resolution. If you prefer, the resolution is actually
11 accurate, my representation --

12 CHAIRMAN EATON: And that's what we
13 adopted.

14 MR. LEARY: That's what you adopted. My
15 representation was inaccurate. The date should be August
16 1st for those two jurisdictions.

17 CHAIRMAN EATON: Kind of like no harm, no
18 foul.

19 MR. LEARY: I just want to make it clear.

20 MS. TOBIAS: As long as it was correct on
21 the record.

22 CHAIRMAN EATON: Right.
23 Item 35.

24 MR. SCHIAVO: Item 35 is consideration of
25 approval scope of work expert in statistics and data

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1 analysis and study design. I'll go ahead and make this
2 presentation.

3 At the October 27th, 1999 board meeting,
4 the Board approved contract concepts for expert and
5 statistical data analysis and study design which was
6 number ten. At the time the proposed scope of work would
7 achieve specific related tasks, and this concept relied
8 upon money from the Integrated Waste Management Account.

9 The scope of work includes three major
10 tasks. The first task is to develop a specific work plan
11 between -- that's mutually agreed upon between the
12 contractor and staff.

13 The second task would be looking at
14 statistical tools and expertise to evaluate existing
15 data. A couple of primary examples of data we'd be
16 looking at would be look at the adjustment factors that
17 have been applied to numbers that are now about a decade
18 old. So we want to reexamine, reevaluate those. During
19 some of the 1066 workshops we heard concerns from various
20 jurisdictions regarding the reexamination of those
21 adjustment factors. Again, we feel that we should take
22 another look, especially considering the flow of
23 population and various economic factors over the last
24 decade through recessions and major economic booms.

25 Another major area we'd like to look at

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1 would be the Disposal Reporting System and do some
2 analysis of the frequency of the Disposal Reporting
3 System, look at potential data gaps, does the frequency
4 impact large, medium, small jurisdictions all the same way
5 or does it impact different categories in different ways.
6 Again, we need to take a look at that and also do some
7 cross-checks between the current waste characterization
8 study that was just recently completed and the Disposal
9 Reporting System to see if there's any correlations there.

10 Another task we're looking at is to
11 investigate the changing wastestream and look at the
12 impacts of that, and then finally look at the impacts of
13 how we evaluate jurisdictions' performance or are there
14 correlations between industrial-based jurisdictions and
15 the amount of pounds per person generated from those
16 versus ones that are driven more by residential. Right
17 now we look at an overall pounds per person per day in
18 jurisdictions, but if we break that down further it will
19 really help us not only provide guidance to the
20 jurisdictions, but our evaluation of those
21 jurisdictions.

22 That concludes my presentation.

23 CHAIRMAN EATON: Questions of staff?

24 I have one public speaker, Susan Collins.

25 MS. COLLINS: I waited.

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1 CHAIRMAN EATON: Thank you.

2 MS. COLLINS: Good afternoon, Mr. Chairman
3 and Board Members. My name is Susan Collins. I work for
4 Hilton, Farnkopf & Hobson, and I'm here today on behalf of
5 the San Gabriel Valley Council of Governments. The San
6 Gabriel Valley Council of Governments represents the
7 interests of nearly 2 million residents living in 30
8 cities and several unincorporated communities in the San
9 Gabriel Valley.

10 My comments today are on the scope of work
11 for agenda Item Number 35. The cities of the San Gabriel
12 Valley have many concerns about the Disposal Reporting
13 System, DRS. I'm not telling you anything new because
14 many cities have expressed concerns about the DRS and the
15 Board has held a special two-day meeting for the purpose
16 of discussing problems with the DRS. The Board is aware
17 of the systemic accuracy problems in the DRS. The Board
18 is also aware of Assembly Bills 939 and 2067, both of
19 which if passed would require the Board to study and
20 report on the inaccuracies in the DRS and the ways to
21 correct the system.

22 The project listed in Agenda Item 35 could
23 be a vehicle to improve the DRS. Agenda Item 35,
24 attachment 1, states that a work plan would be completed
25 during the first month of the contract. The scope of work

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1 as currently written only addresses two potential sources
2 of error in the DRS. Number one, checking variation at
3 facilities without scales; and number two, checking
4 validity of survey frequencies.

5 The San Gabriel Valley Coalition of
6 Governments would like the scope of work to also
7 investigate and quantify other sources of errors
8 including one, reporting errors due to trucks collecting
9 waste from more than one jurisdiction; two, assignment of
10 waste to multiple jurisdictions at landfill and transfer
11 station scale houses; three, orphan waste which is
12 assigned to the jurisdiction of origin, and I'll stop
13 there because there are really a host of other error
14 sources.

15 However, most important to the San Gabriel
16 Valley cities is that this statistical project not only
17 investigates and quantifies errors, but that the project
18 provide recommendations improving the accuracy of the
19 Disposal Reporting System. The cities would like to
20 focus their efforts on implementing diversion programs
21 rather than trying to correct the inaccuracies of the
22 Disposal Reporting System.

23 Thank you.

24 CHAIRMAN EATON: Any questions?

25 BOARD MEMBER JONES: I have one question.

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1 The cities in which the waste is generated have entered
2 into contracts with haulers and take it to landfills, and
3 so if it's inaccurately reported, isn't it inaccurately
4 reported by somebody that's doing business within the
5 city? Not the system is failing, it's the people that are
6 operating within the system that have failed.

7 MS. COLLINS: The system, especially in the
8 San Gabriel Valley, is quite a bit more complicated than
9 that. There are several cities that have exclusive
10 contracts with haulers and then there are also cities that
11 have, for instance, municipal collection on the
12 residential side and an open system on the commercial
13 side, and some of what the San Gabriel Valley cities have
14 been complaining a lot about is self-haul.

15 There's a tremendous amount of self-haul
16 in the San Gabriel Valley. In addition to that, because
17 you know the issues of jurisdictional boundaries, even if
18 they do have under a non-exclusive system in the
19 commercial sector some sort of an agreement with these
20 haulers, that the haulers are collecting waste at many
21 different -- through many different cities before it goes
22 to the landfill. And if the landfill only has a system
23 in place that allows them to enter into their computer
24 two or three cities when really the waste has been
25 collected at five cities, there is a potential source of

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1 error.

2 The cities aren't saying they know exactly
3 what the potential sources are or exactly what the errors
4 are and the magnitude of those. If they did, they
5 wouldn't need the Board to look at this issue. It's
6 really beyond the scope of one city or two cities or
7 several cities to study. It's so systemic, it's such an
8 issue with the Disposal Reporting System, and it's a
9 statewide system, that it really needs to be looked at by
10 the state.

11 BOARD MEMBER JONES: I understand. We're
12 looking at it by the state, but I think the part that I
13 take -- that I worry about is that all those trucks that
14 are picking up in four or five jurisdictions don't drive
15 down the street and say there's a bin and I think I'll
16 pick it up. It's on a route sheet. Every hauler and
17 operator that I've talked to, and I'm the industry seat
18 on this Board, has said during the Disposal Reporting
19 System it's real simple for us to give the landfill
20 operator a sheet that says 20 percent is from city A, 30
21 percent is from city B, and 50 percent is from city D.
22 But we're going to need help.

23 You know, as big and convoluted as this
24 area here is, this ain't brain surgery. I think what we
25 need from the San Gabriel cities is a commitment for

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1 cooperation so that as we go through -- there are three
2 pieces to fix this thing -- the landfill operators, the
3 haulers and the cities. This is not brain surgery.

4 So I think that this is a good step and
5 what it's trying to do is see what are the inaccuracies
6 that we're seeing on a common basis. Fraud is something
7 we're going to have to deal with and cities are going to
8 have to deal with, but I think we can put into place a
9 program that's going to work if we have the cooperation
10 from cities.

11 MS. COLLINS: From everything you've just
12 said, I know that in my discussions with the San Gabriel
13 Valley Council of Governments that the people that I've
14 been involved with would agree with everything you've
15 just said.

16 CHAIRMAN EATON: Any other questions?
17 Okay.

18 BOARD MEMBER JONES: Mr. Chairman.

19 CHAIRMAN EATON: Mr. Jones.

20 BOARD MEMBER JONES: I'll move adoption of
21 Resolution 2000-147 for the consideration of approval of
22 scope of work for the expert in statistics and data
23 analysis, but I do want it to reflect some of the concerns
24 that were brought up, that we really make sure on the
25 Disposal Reporting System we take into account some of

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1 these issues. So while that's kind of open-ended as far
2 as the resolution, I don't know the exact issues that we
3 would have to put in there but I think a commitment to
4 work on it to capture some of those things is the intent
5 of the resolution.

6 BOARD MEMBER MOULTON-PATTERSON: Second.

7 CHAIRMAN EATON: Mr. Jones moves and
8 Ms. Moulton-Patterson seconds that we adopt Resolution
9 2000-147 along with the intent to explore other areas as
10 well as those that have been identified.

11 Without objection, we'll substitute the
12 previous roll call. Hearing no objection, so shall be
13 ordered.

14 Item Number 36 is the award of this
15 contract. It's the dollar amount. I don't know if you
16 want to present it. I would like to see what are our
17 options because one of the concerns that I have, and I'm
18 going to be public about this, is that this contract that
19 goes to -- and I'm a graduate of UCLA, so I'm very
20 partial -- but I do believe that we have now have three
21 contracts going to the same group of individuals. And
22 I'm not sure that is bias or that is dependent upon --
23 that is going to be to me personally, and I hope it goes
24 to UC Irvine, go to UC San Diego. I don't care where, I
25 just think we just don't need to keep going back to the

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1 same individuals, especially since those individuals have
2 an outside business that is trying to promote another
3 type of study.

4 I just think that it presents the Board
5 with a very difficult decision further on down the road.
6 That's just what I'm saying. I don't care if you want to
7 bring it back. If we have some other way to look at it, I
8 think we need to go, but the Board -- one other would be
9 helpful, one other set of eyes that may not be as jaded as
10 some of us or biased or at least prone to make the same
11 kinds of mistakes.

12 MR. SCHIAVO: Regarding --

13 CHAIRMAN EATON: What are our options if
14 any?

15 MR. SCHIAVO: Options are we could go to
16 another university system.

17 CHAIRMAN EATON: Stay within the UC system
18 but go to another campus?

19 MR. SCHIAVO: That's an option. We can
20 open it up for a full blown RFP. However, because of the
21 time constraints --

22 CHAIRMAN EATON: It can go --

23 MR. SCHIAVO: We can go interagency
24 agreement and bring it back next month.

25 CHAIRMAN EATON: I don't have any problem

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1 with the UC system. I just think if we keep going to the
2 same --

3 BOARD MEMBER JONES: If we want to hold off
4 on this for 30 days and see what our options are, I like
5 that idea.

6 CHAIRMAN EATON: I think we can direct it
7 be awarded to the UC system.

8 BOARD MEMBER JONES: I would rather wait
9 the 30 days just because I know with UCLA there's like a
10 10 percent administrative fee. You go to some of the
11 other universities, it could be 70 and 80 percent goes to
12 admin, and I want to know before we ever -- before we let
13 this as to what those admin costs are going to be because
14 I don't want to eat up \$100,000 to give it to some
15 chancellor to figure out how not to do a recycling program
16 on the university.

17 (Laughter)

18 MR. SCHIAVO: I believe we have another
19 option and we negotiated down 10 percent with them as
20 well. We can probably bring it back next month.

21 BOARD MEMBER JONES: With who?

22 MR. SCHIAVO: With the different UCs.

23 BOARD MEMBER JONES: If you can keep things
24 equal, it's good to have fresh eyes to look at things.

25 CHAIRMAN EATON: So is the Board preference

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1 that we continue this award for 30 days to find out about
2 the administrative costs as well as expertise that we
3 would have to be able to form the kind of work we're
4 talking about? Okay. That's fine. So shall be ordered.
5 Okay. That completes, my understanding -- I'm sorry.

6 Ms. Collins, you also had talked about you
7 wanted to speak on Item Number 36.

8 MS. COLLINS: No, no, no. The two were
9 together.

10 CHAIRMAN EATON: The two were together.
11 Great. Thank you.

12 That brings the regularly scheduled agenda
13 items to a close. We now go into a public comment area,
14 and I have one speaker slip out there. If there are any
15 other additional individuals who would like to speak on an
16 issue to the Board, if you could kindly fill out your form
17 and bring them forward. The only slip that I have, at
18 least on the public comment, is Michael Huls.

19 MR. HULS: Thank you very much. Michael
20 Huls, Azusa, California.

21 I'm very pleased to present a small token
22 of appreciation commending the California Integrated
23 Waste Management Board for its support and participation,
24 and in making the Take Back the Pacific Rim Conference
25 held earlier this month an unqualified success, and this

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1 token of appreciation, which I have in front of me here,
2 is presented on behalf of Recycling Laws International,
3 the City of Los Angeles, GTE, VTEC and my environmental
4 firm, but thank you all very much for your support and
5 participation.

6 CHAIRMAN EATON: Thank you, Mr. Huls, and
7 just bring it up and thank you for your patience today. I
8 believe that -- we're going to have to -- if we get any
9 more awards we're going to take them back in Mr. Jones's
10 vehicle I think.

11 Is there anyone else out there who would
12 like to speak to the Board on any issue? Hearing none,
13 the public portion of the March 22nd California Integrated
14 Waste Management Board meeting is over. Right now the
15 Board will go into closed session on a couple of items and
16 I've been informed and, therefore, believe that we'll be
17 doing a closed session here so we have to clear the
18 facility; is that correct, Ms. Covington-Webb?

19 MS. COVINGTON-WEBB: Yes, it is.

20 CHAIRMAN EATON: So this adjourns the
21 meeting and we'll go into closed session.

22 * * *

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4 I, Terri L. Emery, CSR 11598, a Certified
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7 That the foregoing proceedings were taken
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15 I further certify that I have no interest
16 in the event of the action.

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19 EXECUTED this 17th day of April, 2000.

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